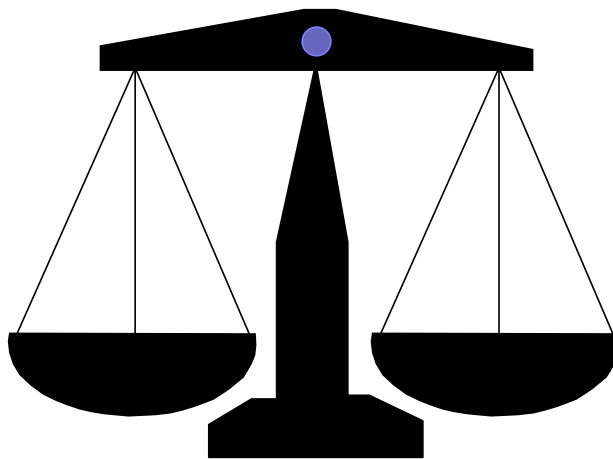


North Police Department

North, South Carolina



"An Effective and Efficient Agency"

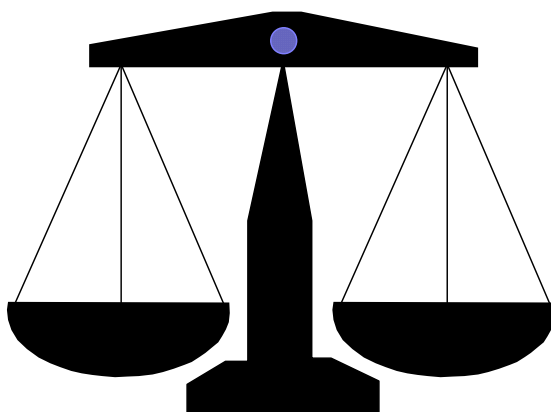
Policy and Procedure Manual

Mark P. Fallaw
Chief of Police

North Police Department

North, South Carolina

The North Police Department's Policy and Procedure Manual was created, reviewed and amended with assistance and cooperation from the Irmo Police Department, the Lexington County Sheriff's Department, the Cayce Department of Public Safety and the South Carolina Department of Public Safety, Criminal Justice Academy Division.



"An Effective and Efficient Agency"

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Mission

North Police Department

North, South Carolina

The North Police Department ensures the safety and security of the corporate limits and other town property of the Town of North and surrounding community. It assists other federal, state, county and local law enforcement, and other agencies as required and appropriate.

North Police provide fair and equitable treatment to all persons regardless of race, gender, ethnicity, religion, or sexual orientation and enforce federal, state and local laws with impartiality and integrity.

Adopted: March 2003

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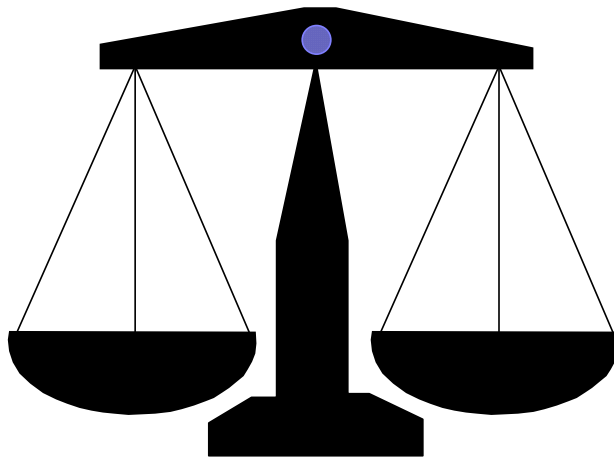
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North Police Department

North, South Carolina



"An Effective and Efficient Agency"

Policy and Procedure Manual

Chapter 1- General Administration

Mark P. Fallaw
Chief of Police

Chapter 1- General Administration

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North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.1.1

Subject Definitions

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 1

Distribution
All Personnel

Re-Evaluation Annual

Pages
19

I. Purpose

To establish definitions of the Policy and Procedure Manual for the North Police Department and its employees.

II. Policy

It is the policy of the North Police Department to establish guidelines and purposes to provide adequate definitions of the terminology used in this manual. For purposes of this manual, the definitions are inclusive of supplemental language as defined by this chapter.

III. Definitions

Academy The South Carolina Department of Public Safety,
Criminal Justice Academy Division.

Accident Report	Required of the investigating officer conducting an accident investigation in accordance with North Police Department procedures.
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Active Duty	Full-time duty in the active military service of the United States. It includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the secretary of the military department concerned.
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Active Duty for Training	Temporary active duty involving an actual training situation.
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Acts Prohibited	To cause physical harm or injury to his or her family or household member, offer or attempt to cause physical harm or injury to his or her family or household member with the apparent present ability and under circumstances reasonably creating fear of imminent peril.
Administration	All officers holding the rank above Sergeant and including administrative support staff.
Administrative Procedure	Generally outlined methods in areas of administration for which the entire Department as a whole is responsible, such as organization, fiscal management, data management, personnel, and training.
Annual Report	A detailed Department report published yearly that highlights the prior year's data and statistics.
Area Patrol	An officer patrols a specified area to detect violators.
Arrest	To deprive a person of his liberty, by legal authority, for the purpose of holding or detaining him to answer a criminal charge. Arrest involves: (1) the authority to arrest; (2) the assertion of that authority with the intent to effect an arrest; (3) and the restraint of the person to be arrested.
Biased-Based Policing	The stopping and detention of a person/motorist and/or the searching of a vehicle or persons based solely on a common trait of a group. This includes but is not limited to the individual's race, ethnicity, gender, sexual orientation, age religion, cultural group, and/or socioeconomic status.
Bicycle Pursuit	An attempt by an officer on bicycle to apprehend a suspect who is attempting to avoid apprehension on foot, on bicycle or any means other than a motor vehicle.
Bond Hearing Request Form	On every arrest where an adult subject is jailed, a Bond Hearing Request Form shall be completed by the arresting officer. As the officer ordinarily does not see the judge prior to setting a bond, this form is used to advise the judge with the information necessary to make appropriate bond decisions. The form will advise the judge which jail the subject is in, the defendant's name, address and date of birth, charges and unusual circumstances the officer wants the judge to consider in setting the bond.

Booking Report	A Department report that reflects data that includes personal and arrest information relating to the arrest of a person.
Case "Administratively (Admin.) Closed"	When it appears as if all investigative leads have been exhausted, and there is little or no chance of solving the case.
Case "Cleared by Arrest"	When an offender is arrested, charged with a pertinent offense, and measures have been taken to recover all property involved in the case where the location of the property is known.
Case "Cleared Unfounded"	Whenever investigation shows that an offense did not occur and there are sufficient reasonable grounds to support this premise.
Case "Exceptionally Cleared"	<p>Whenever, due to exigent circumstances beyond the investigator's control, the identity of the perpetrator is known and prosecution is not possible. In order to qualify for an exceptional clearance, the answer to all four of the following questions must be a "Yes."</p> <ol style="list-style-type: none"> Has the investigation definitely established the identity of the offender? Is there enough evidence to support an arrest, charge, and turning over to the court for prosecution? Do you know the exact location of the offender so that you could take him into custody now? Is there some reason outside the police control that stops you from arresting, charging, and prosecuting the offender? <p>(Examples of exceptional means clearances are: suicide of the offender; double murder; offender in another jurisdiction's custody and extradition is denied; and, whenever the victim refuses to cooperate in the prosecution)</p>
Chain of Custody	The transferring of evidence from one person to another as defined by court, which includes preparing a Chain of Custody form and properly marking the evidence so that it can be positively identified.

Chief	As referred to in this manual means the chief law enforcement executive of the North Police Department.
Chief of Police	As referred to in this manual means the chief law enforcement executive of the North Police Department.
Chief's Letter of Commendation	To be awarded to an employee for service above and beyond the call of duty, by giving evidence of selfless conduct by an employee. Such conduct may be based on an individual act or a series of actions that have been undertaken in a manner by which the employee takes it upon himself/herself to perform in a manner not required or expected. The act is to be unusual in nature, showing initiative or accomplishment. The award may also be presented for outstanding accomplishment that has served as a credit to the Department or has resulted in improved methods, operations, or cost savings.
Citizen Contact	Any contact between a citizen and a North Law Enforcement Officer in the prevention, investigation and/or collection of information for law enforcement purposes. Public contact with a member of the public for the purpose of gathering or disseminating information of a non-investigatory nature is not "citizen contact" within the scope of this policy.
Code 1	A non-emergency response. All traffic regulations are adhered. It does not have to be announced by the officer via the radio as it is implied that all responses are Code 1 unless the responding officer announces otherwise.
Code 2	An emergency response in which the blue lights and/or siren have not been activated or have been deactivated at a distance so as not to alert the criminal suspect(s) to law enforcement proximity. This response must be announced via the radio by the responding officer. The posted speed limit shall not be exceeded by more than 15 MPH and due regard must be exercised at all times. Code 2 responses should be used on a very limited basis and as is consistent with state law and Department procedure.

Code 3	An emergency response in which the emergency lights and siren are activated throughout the response. The officer must announce the Code 3 response via the radio. The posted speed limit shall not be exceeded by more than 15 MPH and due regard must be exercised at all times. The 15 MPH speed restriction is not applicable in pursuit responses or when attempting to catch up to a traffic violator.
Command Staff	All officers holding the rank of Sergeant and above including administrative support staff.
Commissioner	The senior management member of the Town Council who is appointed by the Mayor holding the oversight of the Chief of Police.
Community Juvenile Arbitration Program	This program permits the first time juvenile offender of a minor crime in Orangeburg County to purge this record from the system by completing a list of tailor-made requirements that were determined by a volunteer arbitrator.
Community Service Work Program	Orangeburg and surrounding County Circuit Courts and Family Courts and the North Municipal Court use community service work programs as alternative sentencing. Our Department shall cooperate in such programs, including noting any abuse of the sentencing alternatives by the participants.
Confidential Informant (CI)	A confidential informant (CI) may be anyone who provides information that may or may not be reliable. A CI may be anyone who provides information on an irregular basis and not specifically targeted toward a specific individual or group. A CI can only receive a one-time bonus payment provided the information leads to an active investigation. If a CI continues to provide credible information and further payment or investigations are anticipated, a CI will be upgraded to Registered Confidential Informant. A CI will be assigned the designator "C" followed by a three digit number, in sequential order, followed by a hyphen and the two digits of the year in which they were recruited, i.e., C001-02. Once a CI number is assigned it is permanent.

Consent Search	<p>Officer may enter and conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership of a place or thing, either one may give a valid consent.</p> <p>A spouse can consent to the search of premises used jointly by both the husband and wife. This is also true if the disputants are cohabitants. However, if one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.</p>
Counseling	An act or series of meetings designed to assist employees with the process of problem solving.
Custody	Defined as taken into custody (arrested) or otherwise deprived of his freedom of action in any significant way.
Daily Report	Any and all Department, local, state, federal or other reports used by Department personnel. These reports include daily logs, time sheets, vacation and other requests, Incident and Accident Reports and any other reports required by the Department to be submitted on a daily basis.
Deadly Force	Any use of force that is likely to cause death or serious physical injury.
Definitions	Provides clarification of terms, defines meaning, assists with interpretation and otherwise serves to promote understanding.
Demotion	Demotion is the appointment of an employee to a new position having decreased responsibility and pay.
Department	As referred to in this manual, means the North Police Department.
Department Employee	Include but are not limited to full-time and part-time workers, agents, officers, officials, administrative employees, or other employees of the Department.
Detention Center	As referred to in this manual, means the Orangeburg-Calhoun Regional Detention Center.

Diplomatic Immunity	A principle of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families, official staff, and servants, who are not nationals of nor permanent resident in the United States. They are protected by unlimited immunity from arrest, detention or prosecution with respect to any civil or criminal offense under current U.S. Law (22 U.S.C. 252).
Directed Patrol	Patrol specifically directed to a particular problem, such as speeding enforcement, at times and locations determined through analysis to present a traffic accident problem or through complaints from the public.
Discretionary Power	The power of free decision or latitude of choice within certain legal bounds.
Domestic Violence	The infliction of physical harm, bodily injury or assault, or the fear of imminent physical harm, bodily injury or assault, by one family or household member on another. Domestic violence is a crime.
Employee	All Police Officers and Police Department support staff supervised by the Chief of Police are considered Police Department employees. This Department performs all safety and police functions of the Town of North under the direction of the Police Commissioner and/or Mayor.
Evidence	Any object or item related to a crime, to include factual representation as yielded by forensic examinations, which will or might be used in a subsequent judicial hearing.
Exceeds Requirements	Performance exceeds job requirements. Significantly and consistently performs at a level above that expected.
Exonerated	Means the allegation is true but the action taken was lawful and proper.
Family/Household Member	Spouses, former spouses, persons who have a child in common, and a male and female who are cohabitating or formerly have cohabitated.
Foot Pursuit	An attempt by an officer on foot to apprehend a suspect who is attempting to avoid apprehension on foot.

Frisk Type Search
of a vehicle

Police officers may stop a vehicle for investigative purposes based on specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant suspicion of criminal conduct on the part of the occupants of the vehicle.

During the course of an investigative stop of an automobile, a limited search of the passenger compartment, limited to those areas in which a weapon may be placed or hidden, is permissible if the police officer has a reasonable belief based on specific and articulable facts that the suspect is dangerous and may gain immediate control of a weapon.

FTO

The Field Training Officer of the North Police Department.

General Orders

Written directives in the form of policies, procedures, rules and regulations that are issued to Department employees for carrying out the activities of the Department.

Great Bodily Harm

Means any physical injury that carries a substantial risk of death, permanent incapacity, permanent disfigurement, or acute pain of such duration as to result in substantial suffering.

Guardsmen

A person who is a member of the National Guard in any branch of the United States Armed Forces.

Habitual Offender

Any vehicle with a listing of four or more outstanding summons within one calendar year.

Habitual/Serious Offender

A person is considered to be a habitual/serious offender if he/she has two prior felony convictions and/or two prior convictions for offenses involving firearms.

Hazardous Material

Defined as follows: Any element, compound, or combination thereof that is flammable, corrosive, explosive, toxic, radioactive, an oxidizer, or is highly reactive and which, because of handling, storing, processing, and packaging may have detrimental effects upon operating and emergency personnel, the public, equipment, and/or the environment.

Hazardous Traffic Law
Violations

Defined as those violations of any law or regulation affecting the use or protection of streets or highways enacted primarily to regulate safe movement of vehicles and pedestrians. There are two types:

1. Unsafe behavior - an action or omission of compliance with traffic law that is hazardous even when vehicles, streets or highways, and people involved are in a legal condition; i.e., reckless driving, careless operation, etc.
2. Unsafe condition - causing or permitting an illegal and possible hazardous condition thereof:
 - a. A driver or pedestrian in traffic; i.e., intoxicated pedestrian, etc.
 - b. Streets or highways used by traffic; i.e., throwing nails on highway, etc.
 - c. Vehicles used in traffic; i.e., faulty brakes, faulty exhaust, etc.

Inactive Duty for Training

Duty prescribed for reserves by the secretary concerned under Section 206 of Title 37 of the United States Code (commonly referred to as weekend drill) or any other provision of law; and special additional duties authorized for reserves by an authority designated by the secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

Incident Report

All criminal reports by the Department in compliance with the Uniform Crime Reporting guidelines.

Informal Resolution

Resolving situations and conflicts through the use of discretionary judgment by a Department employee.

Interrogation

Defined as questioning initiated by police officers.

Inventory

The detailed accountability including a written description of Department-owned property, property within the interior and trunk of a vehicle or at the scene of a crime, or which is turned into the Department as "Found Property."

Lethal Weapon	An instrument, object or substance designed or used in a manner to cause death or serious physical injury.
Letter of Appreciation	To be awarded for an outstanding act, rendering exceptional service or accomplishment that was the result of personal sacrifice whereby the employee had gone far beyond the requirements of his/her normal assignment.
Line Duty	Regular assigned law enforcement duty.
Line Patrol	An officer patrols along a particular street or highway for an extended distance to detect violators.
Mandatory Training	Training programs that are required for the efficient operation of the Police Department and/or are a condition of employment.
Manual	Means the North Police Department Policy and Procedure Manual. Contains a comprehensive listing of the policies, duties, responsibilities, procedures, rules, and regulations of the North Police Department.
Memorandums	Used to transmit information and does not reflect departmental policy. Memorandums may be issued by any member of the Department, provided they concern matters within the employee's span of control and provided they do not rise to the level of agency policy, procedures, rules or regulations.
Miranda Warning	<p>The Miranda Rule requires that prior to any custodial interrogation the person must be advised:</p> <ol style="list-style-type: none"> a. That he/she has a right to remain silent; b. That any statement he/she does make may be used as evidence against him; c. That he/she has a right to the presence of an attorney; and, d. That if he/she cannot afford an attorney, one will be appointed for him/her prior to any questioning if he/she so desires, at no cost to him/her.

Miscellaneous Report	Department reports and forms that pertain to information not described or listed in other Department forms. These reports may include but are not limited to Field Interview Reports, Property Tag and Property Reports, Accident Reports and Damage to Department Vehicle Reports.
Misconduct Not Based on Original Complaint	Means the investigation reveals sufficient evidence to evidence to indicate other infractions not based in the original report.
Monthly Report	A detailed Department report published monthly that compiles the prior month's data and statistics.
Non-Deadly Force	Any use of force that is not considered to be deadly force.
Non-Lethal Weapon	An instrument, object or substance not designed or used in a manner to cause death or serious physical injury.
Non-Official Notification	Notification made to any person when such notification is provided by the North Police Department as a service to the public.
Not Sustained	Means there is insufficient evidence to either prove or disprove the allegation.
Official Notification	<p>Notification of any police officer, Police Department division, coroner, public works, highway department, public utility, other law enforcement agency, fire department, EMS, governmental agency or other agency or agent as provided in this procedure for any of the following reasons:</p> <ol style="list-style-type: none"> 1. As made mandatory by: <ol style="list-style-type: none"> a. Any law, statute or ordinance. b. The North Police Department Policies and Procedures Manual. c. Other competent authority. 2. For assistance in the investigation of, control of or in relation to any of the following: <ol style="list-style-type: none"> a. Crime. b. Civil disorder. c. Disaster.

3. For reasons of protocol and/or to gain assistance on occasions where a North Police Officer is accomplishing police action outside the Town of North.

Operational Procedures	Generally outlined methods in specific functional areas for which members are responsible while assigned to that component or while carrying out the specific function, which is the subject of the procedure. Operational procedures include criminal investigations, the patrol function, vice enforcement, traffic enforcement, emergency operations, etc.
Permanent Files	Files that name a particular person by name or a particular organization where the identification can be specifically made.
Personally Involved	Where the off-duty officer, a family member, or a friend becomes engaged in a dispute or incident with the person to be arrested or any other person connected with the incident.
Physical Force	Any force required to overcome an assault or active resistance to arrest, or to control or restrain the movement of another, and that may result in, or is alleged to have resulted in, death or injury.
Physical Injury	Any injury or physical trauma.
Police Department	As referred to in this manual, means the North Police Department.
Police Reserve Unit	The North Police Reserve Unit was established as a volunteer service organization (non-salaried) to aid and supplement the North Police Department as directed by the Chief of Police. The Police Reserve Unit is used primarily to provide routine patrol duties and emergency patrol support, but it may also supplement other units within the Department where need exists and where maximum utilization of special skills possessed by the reserve officer will benefit the Department.
Policy	A set of established broad statements of Department principles providing a framework for development of procedures.

Pre-trial Intervention	This program is for persons who have been arrested for the first time for non-violent General Sessions offenses. They may apply directly to the Solicitor's Office with jurisdiction in the case or be referred by the court, the police department or another agency. If the applicant is selected and successfully completes the program the charge is dismissed. The Department will cooperate by making referrals and in reporting violations of this program.
Primary Pursuit Officer	The officer who initiates a pursuit or any other officer who assumes control of a pursuit.
Probable Cause	Articulate facts and circumstances that exist within the arresting officer's knowledge that are sufficient to warrant a reasonable person to believe that a crime has been or is being committed by the person to be arrested.
Procedure	A set of established guidelines to ensure the effective and efficient operation of the Department.
Pursuit Vehicle	Any authorized law enforcement emergency vehicle that is involved in pursuing a fleeing vehicle.
Reasonable Belief	The facts or circumstances an officer knows or should know that would cause an ordinary and prudent person to act or think in a similar manner under similar circumstances.
Reasonable Suspicion	Articulate facts sufficient to the officer, based on his knowledge, training and experience, that the person is committing, has committed or is about to commit a crime.
Recommended Training	Training courses for which officers may apply that offer a direct benefit to the North Police Department and the officer.
Records Retrieval	The filing and retrieval by the Records Unit of all Department reports.
Referrals	Alternative discretionary judgment in sending cases to other entities for amicable resolution.

Registered Confidential Informant (RCI)

A Registered Confidential Informant (RCI) is an individual specifically targeted toward the active collection of criminal information directed at an individual, location, group, etc. An RCI regularly provides credible information leading to active investigations and payments for his/her services.

Remedial Training

Personalized training to correct a specific deficiency that is usually identified by testing, evaluations, or by acts requiring disciplinary actions.

Repeat Offender

Any vehicle with a listing of one or more summons issued by the Department within one calendar year.

Report Control

The control and availability by the Records Unit of all Department reports.

Report Maintenance

The maintenance and authorized distribution by the Records Unit of all Department reports.

Report Review

Review of Department reports by a supervisor.

Reservist

A person who is a member of the Reserve Forces in any branch of the United States Armed Forces.

Risk

A significant possibility, as contrasted with a remote possibility, that a certain result may occur or certain circumstances may exist.

Roadside Hazard

Refers to all physical features of the roadside environment that are such that a vehicle leaving the road surface for any reason, even momentarily, can impact with them, resulting in unnecessary injury to people or damaged property. Roadside hazards included in the definition are:

- a. Rigid non-yielding supports for traffic control devices and lights, or the non-performance of safety installations (i.e., break away sign supports that fail to function properly).
- b. Improperly engineered guard rails.
- c. Unshielded bridge railings that may not be able to retain an impacting vehicle and redirect it parallel to the roadway, thereby minimizing damage to the vehicle and danger to traffic below the bridge.

- d. Bridge abutments and other hazardous fixed objects built off the roadway, and into which the vehicle might crash with high injury probability.
- e. Utility poles, trees, ditches, inappropriately steep banks, culverts, rock formations, and other fixed objects and features of the roadside environment into which a vehicle might crash instead of being able to come to a stop in a clear distance.

RPO	A member of the Police Reserve unit carrying the rank of Reserve Police Officer.
Rules and Regulations	A set of written mandates.
Safekeeping	The storage of any item that requires temporary storage in the evidence room until such time the owner can take custody of it. This may include items of specific value, which are found as lost or abandoned that can be returned to the rightful owner or otherwise handled with appropriate documentation.
Satisfactory	Performance meets job requirements.
School Searches	The U.S. Supreme Court has approved a warrantless search of a public school student by school authorities when balancing the school's need to maintain safety, order, and discipline against the student's right to privacy.
Secondary Employment	Any employment including but not limited to outside employment, extra-duty, off-duty, part-time or any other employment not related to the Department's full-time mission.
Secondary Pursuit Officer	The officer(s) who assists the primary pursuit officer.
Serious Offender	A person is considered to be a habitual/serious offender if he/she has two prior felony convictions and/or two prior convictions for offenses involving firearms.
Serious Physical Injury	An injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.
Sexual Harassment	Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- c. Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

SOP Means the Standard Operating Procedure of the Department.

South Carolina Police Chiefs' Association Awards A copy of the South Carolina Police Chiefs' Association Awards program guidelines is available in the Patrol Office and from the Chief of Police. All sworn and civilian personnel employed by the North Police Department are eligible to receive these awards. Any officer can nominate another officer or himself/herself for an award using the proper form. All nominations must be approved by the Chief of Police.

Special Orders Special orders are restricted orders issued by the Chief or his designee. Special orders pertain to specific circumstances or situations and are temporary in nature.

Staff Personnel All staff personnel of the Department including the Chief of Police, the Assistant to the Chief of Police, the Deputy Chief, the Captain, the Lieutenant, Sergeants, Patrol Officers First Class, Patrol Officers and the Administrative Assistant.

Statement Forms Required of the officer taking the statement. To be witnessed by two parties, signed/dated by the statement provider, and a copy given to the statement provider.

Statements of Purpose Outline the major reasons for the issuance of the procedure.

Strategic Plan A comprehensive plan that reflects the scope of long-term and long-range directions for the Department.

Supervisor Any officer of the North Police Department holding a supervisory rank.

Supervisory Searches	The warrantless search of an employee's desk or file cabinet by a supervisor is reasonable if made for non-investigatory work-related purposes or to investigate work-related misconduct.
Supplemental Report	Reports by the Department that include supplemental information or case-status change.
Supplementary Report	Reports by the Department that include supplementary information or case-status change.
Suspect	A person who has committed or is alleged to have committed a crime.
Suspension	A suspension is a serious disciplinary action in which the officer must forfeit his/her salary for misconduct considered to be serious or part of a continuing pattern of behavior involving repeated misconduct. The Town of North policy on suspensions is stated in the Town's Personnel Policy Manual.
Sustained	The allegation is supported by a preponderance of evidence to justify a reasonable conclusion that the incident occurred as alleged in violation of an appropriate directive, or law.
Termination	Termination is the removal of an employee from duty, thereby ending his/her employment with the Town. The Town of North policy on dismissals is stated in the Town's Personnel Policy Manual.
Termination Order	<p>A written notice that contains the following information:</p> <ul style="list-style-type: none"> a. The reason for the termination. b. The effective date of the termination. c. Who to contact for the status of fringe and retirement benefits after termination. This information will be provided by the Town Clerk. d. A statement as to the content of the employee's employment record relating to the termination. <p>This provision does not apply to entry level probationary employees.</p>
Temporary Files	A file where a subject or organization can only be described but not specifically named.

The Miranda Rule	Requires that once a suspect is in custody, police must warn the suspect of his/her rights prior to interrogation
Traffic Pursuit	<p>Pursuit is considered to have begun when an officer makes a vehicular attempt to apprehend the occupant(s) of a motor vehicle when the driver has been requested or signaled to stop and is resisting apprehension by maintaining or increasing the vehicle's speed or otherwise maneuvering his/her vehicle in a manner to elude the officer.</p> <p>Under this definition, it is the <u>violation</u> who initiates a pursuit, and the officer must then make a series of decisions as to whether the pursuit shall continue or be terminated.</p>
Unfounded	Means the allegation is false.
Unsafe Behavior	An action or omission of compliance with traffic law that is hazardous even when vehicles, streets or highways, and people involved are in a legal condition; i.e., reckless driving, careless operation, etc.
Unsafe Condition	<p>Causing or permitting an illegal and possible hazardous condition thereof:</p> <ol style="list-style-type: none"> A driver or pedestrian in traffic; i.e., intoxicated pedestrian, etc. Streets or highways used by traffic; i.e., throwing nails on highway, etc. Vehicles used in traffic; i.e., faulty brakes, faulty exhaust, etc.
Unsatisfactory	Performance is unacceptable. Does not meet job requirements.
Unwitting Source	Someone from whom information is obtained but he/she is unaware that his/her information is being used.
Verbal Warning	An officer's discretionary judgment to verbally warn an offender as a reasonable alternative to charging the offender with an unlawful violation of law or ordinance.

Vehicle	Any mode or means of transportation whether mechanically, electronically, or self-propelled to include automobiles, trucks, vans, bicycles, or other specialized equipment as approved by the Chief.
Vehicular Pursuit	An attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect in a motor vehicle who is attempting to avoid apprehension by maintaining or increasing vehicle speed and/or driving in an attempt to elude the officer.
Victim	A person who suffers direct or threatened physical, financial, or emotional harm as the direct result of a felony or misdemeanor committed upon his or her person or property.
Victim Advocate	A person authorized by the agency to assist victims in specified ways. Such advocates may be agency members (sworn or non-sworn) or volunteers (unpaid citizens).
Violator	Person(s) who initiates a pursuit by attempting to avoid apprehension
Withdrawn	Means the complainant withdraws the complaint prior to the completion of the investigation. The Chief will be notified and he may order the investigation to be continued.
Witness	A person who--as determined by the law enforcement agency--has information or evidence relevant to the investigation of a specified crime and may be called to testify in court. When the witness is a minor, the term "witness" includes an appropriate family member. "Witness" includes neither defense witnesses nor anyone involved in the crime as a perpetrator or accomplice. (All victims are witnesses.)
Written Reprimand	A written reprimand is a formal reprimand to the employee from his supervisor describing the way in which the employee's conduct or performance has failed to meet prescribed standards.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.2.1

Subject
Organization and Direction

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapters 11, 12

Distribution
All Personnel

Re-Evaluation
Annual

Pages
4

I. Purpose

To establish the organization and command protocol for the North Police Department and its employees.

II. Policy

The Town of North Mayor, who holds the position of Police Commissioner, appoints the Chief of Police. The Chief of Police serves as the Chief Executive Officer of the Department and maintains an appropriate organizational structure to assist in implementing and directing all law enforcement operations for the Town.

(Ref: CALEA 12.1.1)

III. Procedure

A. Organizational Structure

1. The Chief of Police reports to the Police Commissioner and is responsible for all law enforcement functions.
2. At the Chief's discretion, he may appoint a Deputy Chief, Major or Captain who serves as Department Head in the absence of the Chief.
3. The Chief may, at his discretion, establish divisions; units or patrol assignments as may be required or necessary. The Chief may assign supervision in the units in the forms of Lieutenant, Sergeant, Corporal or Patrol Officer First Class. These divisions are inclusive but not limited to:

a. Road Patrol

Comprises all uniformed patrol officers and is responsible for the 24-hour visible patrol of the town and responds to all calls for police services. The Chief may at his discretion, hire additional forces to fulfill the discharge of duties, such as the employment of Reserve Police Officers. These officers will be armed, uniformed representatives of the Department who will perform specific duties as may be required or necessary. These officers will report directly to the Road Patrol Units, following the chain of command.

b. Special Operations

Comprises all units of Community Oriented Policing (C.O.P.) services. The unit shall at the discretion of the Chief, house such operations inclusive but not limited to VIP transports, a bicycle patrol, all forms of investigations including professional standards or applicant investigations, training and all other aspects of crime prevention. The unit shall be responsible for all mandatory, pre-service and specialized training for the Department.

B. Staff Units

The Chief of Police has designated the following units to the command structure of the Department:

1. Administration

All senior level executive management that includes the Chief of Police, the Deputy Chief of Police, the Captain, and the Lieutenant.

2. Command Staff

All commanding personnel of the Department including the Chief of Police, the Deputy Chief, the Captain, the Lieutenant, and Sergeants.

3. Staff Personnel

All staff personnel of the Department including the Chief of Police, the Assistant to the Chief of Police, the Deputy Chief, the Captain, the Lieutenant, Sergeants, Patrol Officers First Class, Patrol Officers and the Administrative Assistant.

C. Unity of Command

1. Each employee is accountable to only one supervisor at any given time. Each employee must understand that it is the employee's responsibility to follow the direction of the immediate supervisor in the absence of higher command staff. If an employee finds that he has received conflicting orders, he shall advise the supervisor and request clarification. If an order is so blatant as to violate state law or to jeopardize one's safety, the officer should refuse to carry out the unlawful order and will immediately contact the Chief or his designee.
(Ref: CALEA 11.2.1)
2. Each organizational component is under the direct command of only one command staff supervisor.
(Ref: CALEA 11.2.2)

D. Span of Control/Authority and Responsibility

1. Under normal day-to-day operations, the number of employees under the immediate control of a supervisor should generally not exceed five. During special events and emergency circumstances, this may not be practical.
(Ref: CALEA 11.3.1)
2. Commensurate authority accompanies employee responsibility.
(Ref: CALEA 11.4.1 Item A)
3. Each employee will be held accountable for the use of delegated authority.
(Ref: CALEA 11.4.1 Item B)
4. Supervisors will be held accountable for the actions of the employees under their immediate control.
(Ref: CALEA 11.4.2)

E. Continuous Command of the Organization

1. In the event of an anticipated absence of the Chief, the Deputy Chief, Major or Captain will act on behalf of the Chief and with his authority. In the event of an anticipated absence of the Chief, Deputy Chief, Major or Captain, the Lieutenant will act on the Chief's behalf. In the anticipated absence of the Chief and other Administration employees, the Chief or his designee will assign an appropriate, responsible authority to act on his behalf.
2. In exceptional situations, such as the unanticipated absence of the Chief, the interim succession of command will be as follows:
 - a. Deputy Chief
 - b. Major
 - c. Captain
 - d. Lieutenant
 - e. Sergeant
(Ref: CALEA 12.1.2 Item B)

3. During normal day-to-day operations, the command protocol of non-supervisory personnel reporting to their designated supervisor, as depicted on the organizational chart, will be followed.
(Ref: CALEA 12.1.2, Item D)
4. Employees are required to obey the lawful orders of a superior, including any order relayed from a superior by an employee of the same or lesser rank. In the event of conflicting orders, the employee will inform the issuing authority of the conflict with an earlier order and request clarification. Employees are not required to obey unlawful orders. Any unlawful orders should be reported to the Chief immediately.
(Ref: CALEA 12.1.3)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.3.1

Subject
Department Goals and Objectives

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 13

Distribution
All Personnel

Re-Evaluation
Annual

Pages
1

I. Purpose

To require the formulation, annual updating, and distribution of the written goals and objectives to employees of the North Police Department.

II. Policy

It is the policy of the Department to establish goals and objectives for the Department each fiscal year.

III. Procedure

- A. Goals and objectives will be formulated and/or updated annually.
(Ref: CALEA 13.2.1)
- B. The responsibility for the final preparation of goals and objectives will be the responsibility of the Chief with data provided from his Command Staff supervisors. Quarterly, the Command Staff supervisors will offer all employees under their supervision the opportunity to contribute ideas or suggestions. The Command Staff will then provide a draft of those goals and objectives to the Chief.
(Ref: CALEA 13.2.1)
- C. The Chief shall develop a finalized copy of the Department's goals and objectives, which will be available for all members to examine.
(Ref: CALEA 13.2.1)
- D. An annual evaluation stating the progress made toward the attainment of goals and objectives shall be reported to the Chief by the Captain.
(Ref: CALEA 13.2.2)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.4.1

Subject
Allocation and Distribution of Personnel

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 16

Distribution
All Personnel

Re-Evaluation
Annual

Pages
2

I. Purpose

To determine the overall number of personnel for the Department and to ensure their proper allocation. To establish procedures related to the announcement of openings and selection criteria for specialized assignments.

II. Policy

It is the policy of the North Police Department to allocate and distribute its personnel according to need and in the most effective and efficient manner possible.

III. Procedure

- A. The Department's personnel strength is authorized and approved by the Town Council and is documented in an organizational chart. The organizational chart is published by the Chief's Office and includes the number and type of each position, location of each position within the overall structure, and each position's status (filled or vacant.)

(Ref: CALEA 16.1.1, Items A, B & C)

B. Personnel Allocation/Distribution

1. The allocation and distribution of all personnel, especially the Patrol Section, will be determined by the Chief of Police with information provided by his Command Staff and based on the following factors:
 - a. Total strength;
 - b. Number of incidents handled by patrol during specific periods;
 - c. Average time required to handle incidents;
 - d. Non-productive time (days off, holidays, leave, etc.);

- e. Location of incidents; and
 - f. Average percent of time available to handle incidents during an eight-hour shift.
2. The allocation of personnel will be reassessed annually based on the above factors and with consideration of any ongoing programs/projects. The distribution of patrol personnel will be reassessed when necessary, but at least semi-annually by reviewing workload demands.

C. Specialized Assignments

- 1. The Chief of Police will annually review and evaluate any specialized assignments with information provided by his Command Staff. Such review will consider the nature of the assignment, the condition(s) that required the initiation of the assignment, and a cost/benefit comparison. (Ref: CALEA 16.2.1, Items A, B & C)
- 2. The Chief of Police will speak with the Command Staff regarding all opportunities for specialized assignments. The discussion will include the duties, responsibilities, and qualifications (experience, training, etc.) for the position. (Ref: CALEA 16.2.2)

- D. Although the Department does not formally provide for the temporary or rotating assignment of specialized or investigative assignments, it encourages personnel to seek out such opportunities so as to acquire skills and knowledge.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.5.1

Subject
Written Directive System

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapters 12, 23

Distribution
All Personnel

Re-Evaluation
Annual

Pages
3

I. Purpose

To establish a system of written directives to provide a consistent format for written policies, orders, rules and regulations, and to provide for the proper formulation and dissemination to all affected North Police Department personnel of new or revised policies and procedures.

II. Policy

It is the policy of the North Police Department to use a written directives system that provides employees with a clear understanding of the constraints and expectations relating to the performance of their duties. The Chief of Police has the ultimate authority to issue, modify, and approve written directives.

(Ref: CALEA 12.2.1, Item A)

A. Definitions

1. Manual – Means the North Police Department Policy and Procedure Manual that contains a comprehensive listing of the policies, duties, responsibilities, procedures, rules, and regulations of the North Police Department.
2. General Orders – Written directives in the form of rules, regulations, policies and procedures that are issued to Department employees as guidelines for carrying out the activities of the Department.
3. Special Orders – Special orders are restricted orders issued by the Chief or his designee. Special orders pertain to specific circumstances or situations and are temporary in nature.

4. Memorandums – Used to transmit information and do not reflect departmental policy. Memorandums may be issued by any member of the Department, provided they concern matters within the employee's span of control and provided they do not rise to the level of agency policy, procedures, rules or regulations. (Ref: CALEA 23.3.2, Item B)

IV. Procedure

A. Written Directives

1. Only the Chief of Police is authorized to issue or approve agency policy, procedures, rules or regulations. (Ref: CALEA 12.2.1, Item B)
2. The written directive format shall include an appropriate subject heading and shall contain a purpose. Each directive will be dated and signed by the Chief.
3. The manual of General Orders shall be divided into ten sections to include the following:
 - a. General Administration;
 - b. Data Management;
 - c. Personnel Management;
 - d. Auxiliary Functions;
 - e. Reserved;
 - f. Patrol Operations;
 - g. Traffic Administration;
 - h. Criminal Investigations;
 - i. Evidence and Court;
 - j. Reserved
4. The sections covering operational procedures will contain methods in specific components where members are responsible for carrying out a specific function. Operational procedures include the patrol function, criminal investigations, drug enforcement, emergency operations, etc.
(Ref: CALEA 12.2.1, Item F)
5. The Captain or the Chief's designee is the responsible authority for indexing, purging, updating, and revising directives, as necessary. Any modified or revised directives will be submitted to the Chief for final approval.
(Ref: CALEA 12.2.1, Item D)

6. Proposed policies and procedures will be circulated to affected supervisors prior to their promulgation. Supervisors are encouraged to offer comments prior to final policy submission to the Chief.
(Ref: CALEA 12.2.1, Item G)

B. Dissemination of Written Directives

1. Existing, new or newly revised directives will be disseminated to affected personnel either in hard copy form or through a computerized documentation system backed up with accessible hard copies. All new employees will receive a copy of the Manual.
2. Within a reasonable period after issuance, employee receipt and review of disseminated directives will be documented.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.6.1

Subject
Chief's Memos

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 12

Distribution
All Personnel

Re-Evaluation
Annual

Pages
2

I. Purpose

To ensure accountability for carrying out assignments that require some action or investigation by the Police Department.

To ensure that complaints from citizens, public officials and others are handled in a timely and efficient manner.

II. Policy

Chief's memos will be considered as official documented communications from the Chief of Police to the particular individual(s) named in the memo. Chief's memos that direct an investigation or require a response shall be considered as written orders to the individual(s) assigned the memo. (Ref: CALEA 12.2.1)

III. Procedure

- A. The supervisor or police officer assigned in the Chief's memo shall be responsible for investigating the circumstances noted on the memo and for taking appropriate action to correct any problems or deficiencies noted during the course of the investigation.
- B. Officers assigned a Chief's memo also have the authority to use any resources of the Department necessary to carry out or remedy the situation.
- C. Any action taken by officers assigned a Chief's memo must be legal and consistent with Department policy.
- D. A reply to the Chief's memo must be written on the memo or on additional pages attached to the memo detailing all findings made and actions taken. This reply must be made prior to the "due date" (deadline) noted on the memo.

- E. An extension of time concerning the "due date" may be granted by the Chief when circumstances require a more comprehensive response to the memo. It is the responsibility of the assigned officer to request such an extension of time prior to the due date.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.7.1

Subject
Rules and Regulations

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapters 12, 26

Distribution
All Personnel

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Pages
7

I. Purpose

To establish the rules and regulations of the North Police Department.

II. Policy

- A. These rules and regulations shall instruct all members of the Department in the performance of their duties unless specifically directed otherwise by the Chief of Police.
- B. Members of the Department include all sworn police officers and all other part-time and full-time staff and volunteers under the direction or supervision of the North Police Chief or the Chief's designee.
- C. All members are considered to be on-duty whenever they are performing any police function or otherwise represent themselves as a police officer, or an employee of the Town of North.

III. Rules and Regulations

- 1. All members of the Department are required to know and comply with the rules, regulations, procedures and written directives of the Department.
- 2. All members of the Department are required to know and obey the ordinances, rules and regulations, and policies of the Town of North and the laws of the State of South Carolina.
- 3. Every member of the Department shall report promptly for work, court and all other appointments at his/her assigned time. Members shall be physically fit, neatly and properly groomed, and with all prescribed and assigned equipment.
- 4. Each member reporting for duty will acquaint himself/herself with all relevant events that have transpired since his/her last tour of duty.

5. A member of the Department shall not be absent from duty except when on sick leave, scheduled holidays, scheduled off time, vacation, compensatory time, or other leave approved by the Chief of Police.
6. Members who do not understand an official duty shall read written procedures, directives, and orders, or will consult their supervisor for instructions.
7. Members shall respond promptly to radio calls or other requests for service and will make themselves available for further service as soon as possible.
8. A member shall not permit any other person to use his/her badge, I.D. card, or other credentials.
9. Members of the Department shall not make a false official report or knowingly enter or cause to be entered any inaccurate, false or misrepresented facts in any departmental record.
10. Members shall be responsible for the care of Department property and the prompt reporting of loss, damage, or defect.
11. Every member of the Department shall operate departmental vehicles in such a manner as to avoid injury to persons or damage to property. They shall park their vehicles in such a manner as to cause the least interference with traffic flow except when emergency requires otherwise.
12. Members of the Department shall diligently, completely, and without delay or question carry out all orders of their designated supervisor, which pertain to the performance of police duty.
13. Members shall not draw or display their firearms except for legal use or official inspection.
14. Members must not report for duty under the influence of intoxicants, drugs, or any illegal chemical substance.
15. Members of the Department will not falsely report themselves ill or injured or otherwise deceive the Department as to the condition of their health.
16. Members of the Department shall not read for entertainment non-police publications, play games, watch television or movies while on duty.
17. Members of the Department who have knowledge of other members violating the rules and regulations of the Department are required to report these violations to their immediate supervisor.
18. All employees shall maintain the Department Policy and Procedure Manual issued to them, and shall make appropriate changes or inserts as directed.

19. Members shall not convert to their own use or have any claim on found property, recovered property, or property held as evidence, as specified by South Carolina law.
20. A member shall not incur financial liability chargeable to the North Police Department or the Town of North except in emergencies or with authorization from the Chief of Police.
21. A member shall not engage in activities of a personal or political nature while on duty. Funds, supplies, property, and equipment of the Town of North shall not be used in performing any service of a private, personal or political nature.
22. Members of the Department shall not interfere unnecessarily with the lawful business of any person.
23. A member of the Department shall not display cowardice or reluctance to perform a duty required by law in any situation where the public or another member might be subjected to a risk of physical danger.
24. Members of the Department will always be civil and courteous when dealing with the public. They will avoid using profane language, and answer questions carefully and courteously.
25. Members of the Department shall not chew gum, tobacco, or smoke while directly dealing with the public in any official capacity.
26. Members of the Department shall not drink alcoholic beverages while wearing their uniforms or identifiable parts of the uniform, whether on or off-duty.
27. A member shall never use his/her influence for personal advantage or gain.
28. A member of the Department shall not recommend a specific attorney or bondsman to a person arrested by the North Police Department except to a member of his/her family.
29. A member of the Department shall not authorize the use of his/her name; a photograph, which identifies the officer as affiliated with the Department, or his/her official title in connection with the advertisement of any commodity or commercial enterprise without departmental approval.
30. Members will not disclose confidential information to any unauthorized person.
31. No member of the Department will sleep at any time during his/her tour of duty, including breaks and lunch periods.
32. Any member of the Department who must take medication of any type that could affect his/her performance while on duty must inform his/her supervisor prior to beginning his/her tour of duty.

33. Members of the Department will keep the Chief informed of their current address and telephone number. They will furnish any other personal information as may be required.
34. Any officer shall give his/her name and badge number to any person requesting such information.
35. Members of the Department shall promptly pay all just debts and legal liabilities incurred by them. They shall immediately inform the Chief of any lawsuits or legal action initiated against them.
36. Officers will not disclose the home address or telephone number of members of the Department, Town Officials, Town employees, or other confidential personal information unless authorized to do so.
37. Members shall not make false, vicious or malicious statements about members of the Department to anyone. Members shall not make statements concerning the personal conduct or character or any other statement detrimental to an individual, the Department, or the Town of North to any person except to file an official complaint to a supervisor.
38. All members of the Department will be subject for call to duty in cases of emergency or situations in which the Chief of Police or ranking on-duty officer deems it necessary.
39. Police officers shall make a complete and concise report in all cases where police action is taken using the proper Department form. The report shall be completed and turned in prior to the officer going off duty.
40. No member shall leave his/her assigned duties or fail to complete a duty until that member has been properly relieved.
41. Matters of an official nature or of departmental concern will be treated as confidential by all members of the Department. Details concerning departmental business, sources of information, status of cases, or any other information concerning the personnel, operation, or investigations of the Department will not be discussed with those outside the Department except when necessary to assist another law enforcement agency with an ongoing investigation.
42. Members of the Department will not remove official records, documents, or files from the office and will not release them or information from them unless it is by due process of law or by permission of the Chief of Police.

Exempt from this rule are copies of auto accident reports or any report except investigative notes where the person requesting the information is the subject of the report. Under no circumstances are hard copies of NCIC computer printouts to be released to anyone other than law enforcement officers.

43. In courts of law and in all other official inquiries members of the Department shall be completely honest, telling the truth, the whole truth, and nothing but the truth.
44. Members shall not make false statements to or withhold information from supervisory officers when questioned, interviewed, or in submitting statements or reports.
45. Members of the North Police Department may not release detailed information of an arrest, ongoing investigation, or serious illness or injury to news media without the permission of a supervisor. This does not limit a member of the Department from reading from a press release signed by a supervisor or releasing general information under departmental procedures designed to authorize such release.
46. Officers on duty or officially on call shall be directly available by normal communication or shall keep the Department or dispatcher informed of the means by which they may be reached. All police personnel will communicate to the dispatcher their location when exiting their police unit. When portable radios are available, officers shall carry them and maintain communication.
47. Members shall obtain permission from the Chief of Police before having duplicates made of any departmental keys or before lending or furnishing departmental keys to any members or persons not originally authorized to possess them.
48. No member, unless authorized by the Chief of Police, shall possess keys to any premises owned by the Town of North, with the exception of personal property.
49. No member shall refer any citizen to the Mayor or Town Council member. If the request cannot be handled by the officer it shall be referred to the officer's supervisor. Non-police complaints shall be referred to the Mayor.
50. Members may contact the Mayor or Members of Town Council if they believe that the contact is in the best interest of the Department.
51. Officers shall maintain patrol inside the Town of North. All exits from the Town will be cleared by the supervisor except when necessary for expedient response and the most direct route is outside the Town limits due to boundary variances.
52. Members shall immediately report, orally and in writing, the loss or damage of any departmental property to their supervisor.
53. Members shall not accept any gift, gratuity, loan, fee or anything of value as a result of their police duty. Members shall not solicit or accept any reward for services rendered in the line of duty. Special solicitations for special projects will require the permission of the Chief of Police.

54. Members are prohibited from buying or selling anything from or to any complainant, suspect, witness, defendant, prisoner or other person involved in any case.
55. When addressing superior officers, subordinates or Town officials, members shall be respectful and shall use the officer's or official's proper title when in public and when otherwise appropriate.
56. All members shall promptly obey a lawful order from a superior officer. No superior officer shall knowingly issue any order that is in violation of the law, Department policy or Town of North policy.
57. The use of physical force by a member shall be restricted to the minimal force necessary to accomplish a lawful action. Unnecessary use of force is considered gross misconduct.
58. No member, in the course of his/her duty, may recommend any tow service to anyone except to a member of his/her own family.
59. Members shall not knowingly visit, enter or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, the State of South Carolina, or the local jurisdiction are regularly violated, except in the performance of duty or while acting under proper and specific orders.
60. Members shall avoid regular or continuous associations or dealings with persons who they know, or reasonably should know, to be racketeers, sex offenders, gamblers, suspected felons, persons under criminal investigation or indictment, or who have a reputation in the community for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties.
61. No member shall threaten, use fighting words, incite to fight, or fight another member.
62. No member shall sexually harass another member. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
 - c. Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

63. All members will appear in court, official meetings, hearings and other official functions dressed in full uniform or in suitable conservative attire to include a coat and tie for male employees.
64. Any off duty member coming upon a crime after the fact or in progress, is flagged down by a citizen, or comes upon an accident scene shall stop and render immediate assistance as is safe and practical to do so. On-duty officers must be notified as soon as practical and the off-duty member will relinquish control to the on-duty officer. Off-duty officers must consider, particularly in crimes in progress, that they are often ill prepared to handle the situation and that often their best course of action is to simply be a good witness.
65. The use of carotid restraints or any other type of chokehold by officers is prohibited.
66. Members who are working with other agencies are responsible for adhering to the rules and regulations, policies and procedures of this Department at all times.
67. No member at any time, on or off-duty, shall engage in any conduct or activity that may be unbecoming to the member and/or the Department.

(Ref: CALEA 12.2.1)(Ref: CALEA 26.1.1)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.8.1

Subject
Professional Standards

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 52

Distribution
All Personnel

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I. Purpose

To establish guidelines and procedures for receiving, reporting, investigating and adjudicating allegations of misconduct by members of the North Police Department.

II. Policy

It is the policy of the Department to ensure that integrity is maintained through an internal system where objectivity, fairness and justice are assured by intensive and impartial investigation. The internal affairs function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the agency depends on the personal integrity and discipline of each employee. To a large degree, the public image of the agency is determined by the quality of the internal affairs function in responding to allegations of misconduct by the Department or its employees.

III. Procedure

A. All complaints against the Department or its employees regarding alleged/suspected violations of laws, ordinances, or Department policies are to be documented and investigated in accordance with the guidelines that follow.
(Ref: CALEA 52.1.10)

1. Shift supervisors may investigate a misunderstanding between a citizen and an employee, and breaches of policy of a less serious nature, such as rudeness, tardiness, insubordination, and inefficiency.
(Ref: CALEA 52.1.1, Item A)
2. Allegations of violations of criminal law, reports of corruption, breaches of civil rights, major policy violations, allegations of misuse of force, and other allegations of a sensitive nature will be investigated by the Chief.
(Ref: CALEA 52.1.1, Item B)

3. The Chief may, in his discretion, require any professional standards investigation conducted by a supervisor to be reviewed by the Chief.
(Ref: CALEA 52.1.1 Item C)
 4. An employee appointed by the Chief may investigate allegations that do not clearly fit into either of the above listed categories.
- B. An investigator, designated by the Chief, shall be responsible for the professional standards function within the Department. The professional standards investigator will have the authority to report directly to the Chief in all matters pertaining to professional standards. (Ref: CALEA 52.1.2)
- C. Any allegation of corruption, brutality, misuse of force, breach of civil rights and criminal misconduct shall be brought immediately to the attention of the Chief. The chain of command will normally be used to inform the Chief of complaints against the agency or its employees. Nothing herein prevents any employee with information about misconduct from reporting it directly to the Chief. The Chief or his designee shall consider names or persons identifying information or details of the allegation confidential. (Ref: CALEA 52.1.3)
- D. The Chief may, due to the seriousness of the allegation, request the allegation be investigated by an outside law enforcement agency.
- E. Professional Standards investigations shall be completed within 30 days from the time of their receipt. An extension may be granted with the written approval of the Chief. (Ref: CALEA 52.1.4)
- F. Employees notified that they have become the subject of a professional standards investigation shall receive a written statement of the allegations and their rights and responsibilities relative to the investigation. Employees are citizens and are, therefore, guaranteed all rights provided by federal and state law. Employees will comply with Department's directives and cooperate fully with internal investigations. (Ref: CALEA 52.1.6)
- G. The Chief may require an employee to submit to any of the following tests or disclosures when it is specifically directed and narrowly related to a professional standards investigation regarding the employee. Failure to follow a direct order of this nature may result in a separate disciplinary action against the employee.
1. Medical or laboratory examination of the employee, including chemical tests;
 2. Photographs of the employee;
 3. Participation in a line-up by the employee;
 4. Financial disclosure statements by the employee; and/or

5. Polygraph examination of the employee in accordance with the Garrity decision of the U.S. Supreme Court. Note: The Chief may order polygraph examinations for any employee of the Department who is the subject or a witness in a professional standards investigation. SLED examiners will conduct the examinations unless otherwise approved by the Chief. (Ref: CALEA 52.1.7)
- H. An employee may be relieved from duty on a temporary basis by any superior in a position to observe, or be reliably informed of, conduct or behavior that is serious enough to warrant immediate action. For instance, relief of duty may be necessary for allegations of criminal misconduct or when the employee is considered unfit for duty due to physical or psychological reasons. An employee temporarily relieved of duty will be required to report to the Chief the next working day. The supervisor imposing the relief will also report with all necessary documentation. The Chief will determine what action is to be taken and if the relief continues. (Ref: CALEA 52.1.8)
- I. A “conclusion of fact” for each investigation into allegations of misconduct will be made in accordance with the reporting requirements of the State, certifying authority for law enforcement officers. The conclusion of fact will state if the allegation was unfounded (false,) exonerated (true but conduct lawful and proper,) not sustained (insufficient evidence to prove/disprove,) withdrawn (complainant takes back allegations – Chief may choose to continue,) misconduct not based on complaint (infractions not based in the original complaint,) or sustained (supported by preponderance of evidence to justify a reasonable conclusion of its occurrence.)
- J. All records pertaining to professional standards investigations will be maintained in a secure file in the Chief’s Office. The files will be classified as confidential. (Ref: CALEA 52.1.10)
- K. Supervisors will be trained in this policy’s procedures so they may effectively assist the public with registering complaints. (Ref: CALEA 52.1.12)

IV. Specific Procedure

Whenever anyone wishes to register a complaint against the Department or a departmental employee, that individual shall be provided with the opportunity and assistance needed to record their complaint. The below procedures shall be followed at the time an individual informs a member of the Department of a desire to file a complaint.

- A. The citizen should be directed to a supervisor for assistance with the complaint. If the citizen so desires, he/she should be directed to the Chief’s office.
- B. A statement form will be provided to the individual with instructions and assistance in its completion.

- C. The statement may be signed by the individual and witnessed by the assisting employee. Anonymous complaints will be investigated.
- D. A copy of the signed and witnessed statement will be provided to the individual upon its completion.
- E. The original statement will be placed in a sealed envelope, envelope marked "CONFIDENTIAL" and delivered to the Chief or his designee as soon as practical.
- F. The Chief will assign the complaint to an appropriate supervisor (for minor infractions) or the professional standards investigator (for more serious allegations) or to another official (Chief's discretion).
- G. The employee looking into the allegation will notify the complainant that the allegation has been received for processing and will also provide him/her with periodic status reports. (Ref: CALEA 52.1.5, Items A & B)
- H. The Chief shall notify the complainant of the results of the investigation upon its conclusion. (Ref: CALEA 52.1.5 Item C)
- I. All complaints against the Chief of the North Police Department should immediately bypass the Department and be forwarded to the Police Commissioner or Mayor.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

1.9.1

Subject

Biased-Based Policing (Profiling)

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 1 and North Police Department's Policy and Procedure Manual, Chapter 3

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I. Purpose

To assure that the commissioned officers of the North Police Department are aware of the prohibition regarding biased-based policing. The policy also provides guidelines for training, collection of enforcement data and a mechanism for review of such data.

II. Policy

Biased-based policing by commissioned officers of the Town of North is totally unacceptable and is hereby prohibited. The stopping, detention and/or search of a person or vehicle by any commissioned officer of the Department shall be based on the minimum standard of reasonable suspicion that a crime has been committed, is being committed or is about to be committed. Any and all subsequent arrests shall be based on the minimum standard of probable cause.

III. Definitions

A. Biased-Based Policing (unlawful profiling)

The stopping and detention of a person/motorist and/or the searching of a vehicle or persons based solely on a common trait of a group. This includes but is not limited to the individual's race, ethnicity, gender, sexual orientation, age religion, cultural group, and/or socioeconomic status.

B. Citizen Contact

Any contact between a citizen and a North Law Enforcement Officer in the prevention, investigation and/or collection of information for law enforcement purposes. Public contact with a member of the public for the purpose of gathering or disseminating information of a non-investigatory nature is not "citizen contact" within the scope of this policy.

C. Probable Cause

Articulate facts and circumstances that exist within the arresting officer's knowledge that are sufficient to warrant a reasonable person to believe that a crime has been or is being committed by the person to be arrested.

D. Reasonable Suspicion

Articulate facts sufficient to the officer, based on his knowledge, training and experience, that the person is committing, has committed or is about to commit a crime.

IV. Training

A. All commissioned officers will receive initial training that will address the scope and purpose of this policy that includes but is not limited to the legal, moral and procedural reasons for the prohibition against biased-based policing and the potential disciplinary ramifications for the violations thereof.

B. All commissioned officers will be required to receive annual in-service training that will address the scope and purpose of this policy that includes but is not limited to the legal, moral and procedural reasons for the prohibition against biased-based policing and the potential disciplinary ramifications for the violations thereof.

C. All commissioned officers will be required to receive additional in-service training in such topical areas that may include, but are not limited to, proactive enforcement tactics, officer safety, courtesy, cultural diversity, interpersonal communications and legal aspects that govern search and seizure.

D. All commissioned officers will be required to receive initial training in the data collection methodology requirements and annual in-service training thereafter.

V. Disciplinary Actions

A. Corrective and/or disciplinary actions for violations of this policy shall be in accordance with the Policy and Procedure defined in Chapter 3 of this manual.

B. Corrective actions may include additional training, verbal counseling and other disciplinary actions up to and including termination.

VI. Data Collection

A. Citizen contact information is collected in order to monitor the activity of the law enforcement effort and to provide a database for future policy initiations and manpower allocation.

- B. The North Police Department shall establish a standard operating procedure for the entry of citizen contact information. The SOP shall be approved by the Chief of Police and be in accordance with established procedures for collecting such data.

VII. Administrative Review

- A. The Chief shall appoint a committee to review the statistical information generated through the data collection processes.
- B. The committee shall consist of a chair and will have no fewer than two representatives from the Department. The committee members shall include a supervisor and a line officer and shall serve at the pleasure of the Chief.
- C. The committee shall establish a protocol for reviewing the statistical information, which shall ensure an accurate determination of the agency's compliance with this policy.
- D. The committee shall meet no less than twice a year and will review all data/information for policy violations, offenses, trends, etc. The committee will prepare an annual biased-based policing status report that addresses all findings for the Chief's information and review.
- E. The committee may meet more regularly at the direction of the Chief or at the request of a supervisor.
- F. The Professional Standards Division, at the request of the Chief, shall investigate potential occurrences of biased-based policing after analysis of the collected statistical data. Professional Standards shall be required to investigate citizen allegations of biased-based policing.

(Ref: CALEA 1.2.9)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

1.10.1

Subject

Limits of Authority

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 1 and SC Code of Laws, Title 56

Distribution

All Personnel

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I. Purpose

To establish limits of authority, discretionary judgment and alternatives to arrest.

II. Policy

All sworn personnel are permitted to apply professional and impartial discretionary judgment in situations involving investigative and arrest procedures. In addition to statutory requirements, legal precedent and contemporary public opinion may be considered when exercising discretion. The use of discretion shall be sharply limited in felony situations. Greater latitude of discretionary judgment will be permitted in the investigation of misdemeanors and Town Ordinance violations. Nothing in this directive is to be construed as permission to disregard any law. Each officer will be held accountable for his/her actions in these circumstances.

III. Procedure

A. Legal Authority

All commissioned/sworn officers of the Department are employed as Town Police Officers and have Town jurisdiction and arrest powers.

(Ref: CALEA 1.2.1)

B. Alternatives to Arrest

The power of arrest granted to police officers is one of the alternatives available to them under circumstances that require some form of police action. Additional alternatives that are effective, and still allow an officer an alternative to arrest, are issuing a Uniform Traffic Ticket in lieu of arrest or "courtesy" summons after arrest without a warrant. (Ref: CALEA 1.2.5)

1. Use of the State Uniform Traffic Citation is permitted in lieu of obtaining an arrest warrant for traffic offenses and certain designated state criminal law offenses under Section 56-7-10 of the SC Code of Laws.
2. Use of arrest alternatives will be sharply limited in violations that are General Sessions offenses or when a subject cannot be positively identified. Sworn officers should consult with their supervisors if unsure about arrest alternatives.
3. Subjects shall not be arrested solely because of minor traffic violations, and/or similar minor offenses where a Uniform Traffic Citation may lawfully be used in lieu of custodial arrest.
4. The Non-Resident Violators Compact (NRVC) provides a procedure by which a non-resident receiving a traffic ticket in a NRVC member state must fulfill the terms of that ticket or face the possibility of license suspension in the motorist's home state until the terms of the ticket are satisfied.

C. Use of Police Discretion

In lieu of formal action, an officer may exercise discretion and choose informal action to solve the problem, such as referral, informal resolution, and/or verbal warning. (Ref: CALEA 1.2.6)

1. Referrals – The officer shall offer referrals to a competent referral system, or other entity, when in the officer's discretionary judgment, it is the most reasonable alternative for the offender and the violation.
2. Informal Resolution – An officer, at his/her discretion, may offer informal resolutions to situations and conflicts when in the officer's judgment they can be adequately resolved by informing the proper agency or organization, advising parents of juvenile activity, etc.
3. Verbal Warnings – A verbal warning may be given by an officer when, in his/her discretionary judgment, it is the most reasonable alternative for the offender and the violation.

D. Pre-arraignment Confinement (Ref: CALEA 1.2.5)

1. If someone is arrested based upon probable cause and, before his/her arraignment, further investigation determines that sufficient probable cause no longer exists, a supervisor will be immediately notified. Once approved, the magistrate shall be notified and the arrestee must be released as soon as possible. Except in extreme cases, the arrestee will sign a waiver of liability form. Under no circumstance should the arrestee's release be contingent upon signing the form.

2. A detailed report of arrest will be completed outlining the events that led to the probable cause for the arrest.
3. In all such cases, the Chief of Police or his designee shall be notified.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.11.1

Subject
Abuse of Power/Conformance with Laws

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 11

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All Personnel

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I. Purpose

To establish the rules, regulations, and code of conduct for the North Police Department.

II. Policy

- A. Employees of the Department shall conduct themselves in such a manner so as not to abuse the authority, rights, privileges, or benefits associated with employment.
- B. Employees of the Department shall conduct themselves in such a manner so as to conform to all applicable laws.

III. Rules and Regulations

A. Abuse of Power

- 1. Employees shall conduct themselves in such a manner so as not to abuse the authority, rights, privileges, or benefits associated with employment. (Ref: CALEA 11.4.1)
- 2. Employees are prohibited from using their official position, authority, identification, or any reference to the North Police Department:
 - a. For financial gain;
 - b. For obtaining privileges not otherwise available to them or other law enforcement personnel;
 - c. For committing improper acts under color of law;

- d. For avoiding the consequences of illegal acts; or
 - e. For any purpose other than official business.
- 3. No employee shall solicit or accept from any person, business or organization any reward, gratuity, fee, favor or other consideration for the benefit of the employee, his/her family, or the Department if it may be reasonably inferred that the person, business or organization giving the gift:
 - a. Seeks to influence action of an official nature;
 - b. Seeks to affect the performance or non-performance of an official duty; or
 - c. Has an interest, which may be substantially affected, either directly or indirectly, by the performance or non-performance of an official duty.
- 4. Access to and dissemination of official records and information must be in accordance with expressed policy or with supervisory approval. The unauthorized dissemination of official information, records, or reports is strictly prohibited.
- 5. Matters of an official nature will be treated confidentially by all employees of the Department. Details concerning departmental business, sources of information, status of cases, or any other information concerning the personnel, operation or investigations of the Department will not be discussed with those outside the Department, except when necessary to assist another law enforcement agency with an ongoing investigation.
- 6. Employees will not remove official records, documents, or files from any Department office and will not release them, or information from them, unless it is by the due process of law or by permission of the Chief of Police.
- 7. An employee shall not permit any other person to use his/her badge, identification card, or credentials.
- 8. Employees of the Department shall not make a false report or knowingly enter or cause to be entered any inaccurate, false or misrepresented facts in any official record.
- 9. Employees shall not convert to their own use or have any claim on found property, recovered property, or property held as evidence, as specified by South Carolina Law.
- 10. Employees shall not interfere unnecessarily with the lawful business of any person.

11. An employee of the Department shall not authorize the use of his/her name, a photograph that identifies the employee as affiliated with the Department, or the officer's official title in connection with the advertisement of any product or commercial enterprise without the approval of the Chief of Police.
12. No employee will participate in an investigation in which he/she, a member of his/her immediate family, or close personal friend, is involved either as a suspect or a witness. The employee will report such relationship(s) to his/her supervisor.

B. Conformance with Laws

1. Employees shall conduct themselves in such a manner so as to conform with all applicable laws.
 - a. Each employee shall obey the laws of the United States, State of South Carolina, and local jurisdictions.
 - b. If the evidence revealed by an investigation indicates that it is more likely than not that an employee has knowingly committed an act that constitutes a violation of a civil or criminal law or ordinance, in the judgment of the Chief of Police, then the employee may be deemed to have violated this policy irrespective of whether the employee is prosecuted or convicted.
2. Employees shall provide the Department notice of actual or potential criminal charges.
 - a. If an employee is arrested, or has reason to believe that he/she is a suspect in a criminal investigation, the employee will immediately notify his/her supervisor and set forth any and all circumstances known to the employee concerning the arrest and/or investigation.
 - b. An employee who is arrested or indicted for any offense other than a minor traffic offense may be suspended.
 - c. An employee who is suspended as a result of charges may be terminated before final disposition of the charge against him/her and notwithstanding that (a) the charge is ultimately dismissed or dropped or (b) the employee is acquitted, if the Chief of Police or his designee, after investigation, determines the charge is true.

3. Employees of the Department shall promptly pay all just debts and legal liabilities incurred by them. They shall immediately inform the Chief of Police of any lawsuits or legal action initiated against them.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

1.12.1

Subject

Oath of Office/Code of Ethics

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 1

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All Personnel

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I. Purpose

To require all sworn personnel to take an Oath of Office prior to assuming sworn or non-sworn status, and to abide by the Law Enforcement Code of Ethics while employed as an employee of the Town of North. (Ref: CALEA 1.1.1)

II. Policy

It is the policy of the North Police Department to require all personnel, prior to assuming sworn status, to take an Oath of Office to protect and defend the Constitutions of the United States and the State of South Carolina. All sworn and non-sworn personnel will be provided with, and agree to abide by, the Law Enforcement Code of Ethics.

III. Procedure

Each and every employee, agent or representative of the North Police Department shall complete the accompanying form upon being hired or commissioned as an employee, agent or representative of the Department. This requirement includes both sworn and non-sworn personnel.

Oath of Office

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of the State and of the United States.

I swear that I am under no promise, in honor or law, to share the profits of the office to which I have been elected or appointed, and that I will not directly or indirectly, sell or dispose of said office or the profits thereof, but will resign, or continue to discharge the duties thereof during the period fixed by law, if I so long live

Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courage and calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violation and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ...law enforcement.

Mark P. Fallaw
Chief of Police

Date

Town of North

Police Department

OATH OF OFFICE CODE OF ETHICS

Purpose

To require all sworn personnel to take an Oath of Office prior to assuming sworn status, and to abide by the Law Enforcement Code of Ethics while employed as an employee of the Town of North.

Policy

It is the policy of the North Police Department to require all personnel, prior to assuming sworn status, to take an oath of office to protect and defend the Constitutions of the United States and the State of South Carolina. All sworn personnel will be provided with, and agree to abide by, the Law Enforcement Code of Ethics.

Oath of Office

First, I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve and protect and defend the Constitution of the State and of the United States.

I swear that I am under no promise, in honor or law, to share the profits of the office to which I have been elected or appointed, and that I will not directly or indirectly, sell or dispose of said office or the profits thereof, but will resign, or continue to discharge the duties thereof during the period fixed by law, if I so long live

Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courage and calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violation and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ...law enforcement.

I hereby understand and agree to terms of the Oath of Office and Law Enforcement Code of Ethics as depicted and described in this supplication.

Employee's Signature

Date

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.13.1

Subject
Agency Property

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 17

Distribution
All Personnel

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I. Purpose

To control the purchasing, inventory, maintenance, and control of agency-owned property.

II. Policy

The Department will maintain a regular inventory of all items owned by the Town that have a value over \$300 and any items of lesser value that have been assigned a property inventory tag.

III. Procedure

A. Property Requisition

1. The Chief shall designate a Sergeant who shall be responsible for making requests to the Chief for agency-owned property.
2. All requests for the purchase of police related property will be submitted to the Chief's designee through the chain of command, who will submit the requests to the Chief of Police for approval. The Chief may delegate limited purchasing authority.
3. After being approved, a purchase order will be issued and sent to the Town Clerk for approval. All purchases of \$1,000 or more must first be approved by the Town Council.
4. All purchases must be made in conformance with the Town of North purchasing procedures.

B. Property Distribution and Management

1. Departmental Property

Upon receiving police related property, the Chief's designee will check the property for good repair and proper working condition. Property, except motor vehicles, having a value over \$300 will be classified as a fixed asset and will be marked with a property inventory tag furnished by the Town Administrative Office. Property valued at less than \$300 may be marked with a property inventory tag at the discretion of the Chief's designee or Chief of Police. Motor vehicles will be assigned a unique two-digit number. The Chief's designee will then notify the requesting person that the new item can be picked up.
(Ref: CALEA 17.5.1)

2. Departmental Forms

- a. The Staff Assistant is responsible for maintaining an adequate supply of departmental forms on hand.
- b. Forms that need to be stocked are ordered by the Staff Assistant through the Chief of Police.
- c. Prior to reordering forms, the Staff Assistant will check with departmental personnel to ascertain if a change needs to be made to a particular form.

3. Property Management

The issuance of Department-owned property to authorized users will be considered as a responsibility of the property management system, and will be regulated as such by the Chief's designee.

C. Property Accountability

The accountability of Department-owned property is a responsibility of the property management function of the Police Department and all property will be accounted for as follows:

1. The Chief's designee will maintain a property inventory file of all agency-owned property and equipment having a value of \$300 or more, a property inventory tag and motor vehicles. The Chief's designee is responsible for the issuance and re-issuance of property to authorized employees. An annual inventory of this property will be made and the results documented and reported to the Chief of Police.

Expendable property with a value of less than \$100, such as pens, pencils, and other like office supplies, are available from the Clerk.

2. The armory (weapons and munitions) will be under the control of the Chief's designee, who will be responsible for the accountability of these items. Any unaccounted change in the inventory will be immediately reported to the Chief of Police.
3. Any agency-owned property that becomes inoperable through normal use must be reported to the supervisor of the section where that property is assigned or used. It is the responsibility of that supervisor to notify the Chief's designee of the problem.
4. If an agency-owned item such as a firearm requires servicing, the Chief or his designee will contract with a qualified serviceman or agency to complete the repairs.
5. The Chief's designee is responsible for control and issue/reissue of badges, uniforms and uniform accessories.
6. Upon separation from the Department the employee is responsible for immediately returning all issued items to the Chief's designee. All items are expected to be clean and serviceable. The cost to replace lost or repair damaged items will be at the separating employee's expense. The Chief's designee is responsible for the issuing and reissuing of uniforms and equipment to authorized users.

(Ref: CALEA 17.5.2)

D. Responsibility of Operational Readiness

Maintaining stored items of Department property in a state of operational readiness is a responsibility of the members of the Police Department to whom the equipment is assigned.

1. Agency-owned equipment and property stored in the property supply room will be kept in a condition of operational readiness. This includes proper care and cleaning, preventive maintenance, repair, and serviceability. It is the responsibility of the Chief's designee to maintain and inspect such property and equipment.
2. Agency-owned equipment and property stored and used in the various sections of the Police Department will be kept in a condition of operational readiness. The responsibility for the maintenance and inspection of such property rests with the section supervisor or other officer where the property is used or kept.

3. Problems regarding the condition or maintenance of agency-owned equipment and property will be directed to the Chief's designee. The Chief's designee may appoint an officer to assist him/her with this function.

(Ref: CALEA 17.5.3)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.14.1

Subject
Equipment and Appearance

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapters 22, 26, 41, 61

Distribution
All Personnel

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Annual

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I. Purpose

To establish guidelines for the professional use and appearance of equipment and personnel employed by the Department.

II. Policy

Every employee shall use and display Department equipment in a professional manner. It is the policy of the Department that each employee's personal grooming and dress shall be appropriate for the job. Only officers with special permission from the Chief of Police will be excused from these provisions.

III. Procedure

A. Appearance – All Department Employees

1. All employees will appear in court, official meetings, hearings, training and other official functions dressed in uniform when required or dressed in appropriate attire when suitable.
2. For males, appropriate attire means a conservatively designed suit or sports jacket with a necktie and dress slacks.
3. For females, conservative attire means a conservatively designed dress, or skirt and blouse, or suit. Female uniformed officers may wear plain, post type earrings without dangling or decorative parts.
4. The use of tobacco products is prohibited by any employee while in direct contact or in view of the general public.
 - a. This policy includes, but is not limited to, the road patrol, foot patrol, bicycle patrol, or desk duty.

- b. Tobacco products will include cigars, cigarettes, or pipe smoking, or smokeless tobacco.
 - c. Smoking is prohibited in all Town and Department buildings.
- 5. Body cleanliness, neat dress, good hygiene, proper hair length, clean-shaven appearance, shined shoes, etc. shall be the responsibility of each officer. An officer's appearance is subject to inspection by a supervisor.
- 6. Hair shall be neat and clean and not interfere with the normal wearing of the standard uniform. Sideburns shall not extend beyond the bottom of the opening of the ear.
 - a. For male officers, the length of the hair shall not extend beyond the collar of the uniform shirt or over the ear.
 - b. For female officers, hairstyles may be worn at reasonable length commensurate with existing styles and in such a manner as not to interfere with or distract from their duties. Longer styles of hair should be pinned up so as to limit the possibility of it being grabbed in confrontational situations.
- 7. Facial hair will be acceptable as follows:
 - a. A mustache can be worn but must be neatly trimmed and cannot extend below the upper portion of the upper lip;
 - b. There shall be no "handlebars" on a mustache; and
 - c. The sides of a mustache shall not extend beyond the corners of the mouth.
 - d. Beards and/or goatees are prohibited.
- 8. The Chief, or his designee, can grant exceptions to the above grooming requirements for medical reasons and/or for special investigative assignments. (Ref: CALEA 26.1.1)

B. Uniform – Equipment Issue and Maintenance

- 1. Upon hire, each employee will be issued appropriate uniform clothing and equipment as determined by the Chief or his designee. Accepted Department uniforms include a work and wear duty uniform and variations of embroidered duty uniforms, bike uniforms and variations of embroidered and screen-printed shirts, jumpsuits, coats, hats, semi-dress, and full dress.

All sworn personnel will be issued the standard navy blue work and wear duty uniform, rain coats, winter jacket/coat and other standard equipment including nylon belts, holsters, handcuff cases, radio cases, etc. Administration sworn personnel will be issued a navy blue semi-dress uniform that includes a navy blue long sleeve polyester shirt and navy polyester pant, leather dress shoes, a navy blue tie, a navy blue dress hat, a leather basket-weave dress belt and a leather basket-weave holster. Administration sworn personnel will also be issued a navy blue full-dress uniform that includes a white polyester shirt, navy blue polyester pant with a gold stripe and white gloves. Administration non-sworn personnel will be issued a combination of gray, burgundy or navy blue embroidered, collared pullover shirts. Command Staff sworn personnel will be issued the standard navy blue work and wear duty uniform, the semi-dress uniform and a combination of burgundy or navy blue embroidered, collared pullover shirts. Other staff and sworn personnel may be issued a combination of burgundy or navy blue embroidered, collared pullover shirts as may be deemed necessary by the Chief of Police. Specialized division or unit personnel may be issued additional equipment as deemed necessary by the Chief. These divisions or units may include but not be limited to the Special Operations Division or Bike Patrol Units or any other specialized division or unit. For purposes of this sections, the Chief of Police has designated that Special Operations sworn personnel will be issued, burgundy or navy blue, embroider, collared pullover shirts, gray, burgundy or navy blue screen-printed, collared pullover shirts, a screen-printed wind jackets/coat, a whistle, gloves, goggles, and a helmet.

All uniform clothing and equipment will be listed on an Officer Inventory Sheet. The employee receiving the uniform clothing and equipment will sign for all items and the person issuing the equipment will sign the form stating the items were issued. Additional issue of uniform clothing and equipment will be made only when old items are returned. They must be unserviceable or unable to be used.

2. Each employee will be expected to maintain equipment and keep it in good operating condition. Employees are expected to launder uniforms ensuring a clean, neat, presentable, and professional appearance at all times. Deterioration of uniforms beyond normal wear and tear may result in the employee being responsible for the repair or replacement of such uniforms or equipment.
3. Upon separation from the Department, each officer will be required to return all uniform clothing and equipment in a clean serviceable condition. If the officer fails to return any items, the cost of the item(s) may be passed on to the employee.

4. Employees will request additional uniform clothing in writing. Employees will be required to request the issuance of clothing when present clothing is unserviceable. All information on the request form must be complete. All unserviceable items must be returned. Returned items must be tagged with the employee's name.
5. Employees will notify a supervisor if any non-expendable equipment is lost, stolen, or destroyed. Employees will notify the supervisor in writing and submit the information immediately after the realization of the circumstances.
6. Employees should ensure the accuracy of the inventory form. The employee issuing and receiving any clothing or equipment will verify this form. (Ref: CALEA 41.3.5)

C. Uniform – Equipment Specifications

1. Department personnel may only wear or utilize those uniform articles issued or authorized by the Department.
2. No officer will alter, add to, remove, or in any way change parts or accessories of the Department's uniforms or equipment without the Chief's permission.
3. All officers will carry only their Department issued firearm or pre-approved personal firearm while on duty. The carrying of a secondary or "back-up" firearm is prohibited, unless approved by the Chief or his designee, for limited specialized assignments.
4. Officers may only carry ammunition, which is issued or approved by the Department.
5. Portable radios must be worn on the belt on the side opposite that on which the sidearm is worn. Officers may wear the black case or black carrier.
6. The Department issued breast badge shall be worn on the left breast of the outermost garment being worn, unless an embroidered badge is on that garment. If the garment has an embroidered badge, the officer must wear a visible badge and badge clip next to the officer's weapon. Breast badges shall be worn when employees use duty uniforms, semi-dress uniforms or full-dress uniforms. When other variations of uniforms are worn—such as collared pullover shirts—badges will be visibly worn on belts and will be secured with a Department issued or approved belt badge clip next to the officer's weapon.
7. The Department does not use stripes or other insignias on the sleeves of shirts. However, sworn staff personnel above the rank of patrol officer will be issued collar insignias. If applicable, collar insignias will be worn on the lower most portion of the collar, nearest to the

outer edge of the shirt collar on duty uniforms, semi-dress or full-dress uniforms. If sworn personnel are using semi-dress or full-dress uniforms, additional star pin collar insignias will be issued and worn nearest to the point of the collar so that the pins hold the collar to the shirt. Special Operations personnel are authorized to use black collar insignias for their specialized uniforms, including embroidered or screen-printed collared pullover shirts. Unless specifically noted in policy, other insignias not described in this policy shall be worn in accordance with instructions provided by the Chief or his designee.

8. A folding knife, with a blade not exceeding four inches, may be worn on the duty belt in a case with a securable flap, or carried in the pants pocket. Straight bladed knives are prohibited.
9. All uniformed officers will wear an identification name bar when wearing the routine patrol duty uniform. The name will be centered on and flush or ¼ inch above the right pocket flap.
10. Police award recognition pins, awarded through a source of the Chief's choice may be worn by uniformed officers to whom they have been awarded. The pin is to be worn flush or ¼ inch above the name bar and centered on the pocket flap. Additional award pins, if awarded, may be worn in rows of no more than three, directly adjacent to each other, in order of precedence, lowest to highest. The lowest award will be on the bottom row closest to the center of the shirt.
11. Certification pins awarded by the South Carolina Department of Public Safety, Criminal Justice Academy Division, or other pins as approved by the Chief, may be worn flush or ¼ inch above award recognition pins, or in the absence, the name bar.
12. Slapjacks, brass knuckles, gloves with lead fillings and any other weapons that are not specifically authorized by this policy are expressly prohibited.

D. Equipment – Clothing Uniformed Officers

1. It shall be the responsibility of each officer to wear the departmental uniform with pride and dignity. Each officer is expected to wear a complete uniform cleaned and ironed with proper creases and not in need of repair.
2. Officers will not wear the official uniform, or articles of the uniform, except when on-duty, when traveling to and from work, or on other occasions when representing the Department.
3. Articles of clothing not issued by the Department, but relative to employment as a commissioned police officer with the North Police Department, may be considered a uniform. Any such items bearing "North Police Department" or the design of the Police Department

badge etc. should be submitted to the Chief for approval of design and quality before purchase. If approved, the articles should only be worn in an official capacity; i.e., training, police sporting events, etc. They should not be worn socially or casually.

4. Shirts shall be worn with proper insignias including nameplate, badge, and collar pins issued by the Department.
5. The short sleeve duty shirt is to be worn, open collar, when prescribed by the Department, but generally recognized as the period April through October. A black or dark blue t-shirt shall be worn under the shirt.
6. The long sleeve duty shirt may be worn open collar, or with a dickey issued by the Department (yearly directives will be issued by the Department concerning the transition from one seasonal uniform to another.)
7. All semi-dress and full-dress uniforms will be long sleeve and will be worn with a tie. Administration sworn personnel must wear a white t-shirt under the white polyester dress uniform.
8. Issued or approved belts, holsters, and other gear shall be properly maintained.
9. Socks of black or navy blue color shall be worn with shoes that expose socks, unless prescribed otherwise by a doctor.
10. Officers shall wear black shoes issued or approved by the Department and shall wear black shoelaces.
11. All officers assigned to road patrol duties may wear a Department-issued or Department-approved duty hat. Hats shall be worn when officers are in view of the public. This includes but is not limited to assignment of vehicle patrol, foot patrol, special assignments, other duties, or at times when directed by the Chief or his designee. Officers may use discretion in wearing the hat when operating a vehicle as defined by Department policy. Hats shall not be worn in buildings unless directed by the Chief or his designee. Exceptions to this policy may be granted under exigent, emergency, or other extenuating circumstances.

Hats should be displayed professionally. The hat will be worn level on the head, between ½ and one inch from the top of the ears, and should be free from dirt and wrinkles. The visor may be moderately shaped or formed but should not be excessively curled.

E. Equipment – Clothing Non-Uniformed Officers

1. Certain officers within the Department may be authorized to wear civilian clothes and will receive an annual allowance established by the Chief. Individuals eligible to receive the clothing allowance must be fully commissioned officers, certified by the South Carolina Department of Public Safety, Criminal Justice Academy Training Division. The Chief or his designee will identify employees who meet the above qualification and who will receive the allowance.
2. Eligible employees must sign an agreement to refund the Department a portion of their total clothing allowance should they terminate employment or transfer positions before the end of the fiscal year. The portion to be refunded in the fiscal year after the month of scheduled departure shall be prorated by the remaining months of the fiscal year. Money received from an allowance refund must be receipted by the Department and deposited as an expenditure reduction.
3. Clothing allowances will be issued only upon receipt of paid invoices from eligible individuals. Invoices must reflect the dollar amount, date, and place of purchase.
4. Clothing allowances will be processed through the payroll department and documented for tax purposes in compliance with applicable tax laws. Personnel receiving an allowance must realize the allowance will be treated as income for tax purposes.
5. Clothing purchased in accordance with this policy must meet the Department's appearance standards, must be of good quality, and appropriate to the mission.
6. Appropriate clothing articles include, but are not limited to, the following: suits, shirts, skirts, blouses, pants, dresses, ties, sport coats/jackets, rain and overcoats, shoes, and belts.

(Ref: CALEA 22.2.7)

F. Traffic Safety Equipment

1. Officers shall wear the traffic vest when assigned to any traffic control duty that necessitates the officer being in the highway. If an officer arrives on the scene of an emergency that requires traffic control the officer shall put on the traffic vest as soon as is practical.
2. If the yellow raincoat is being worn by the officer, the vest is not required.

(Ref: CALEA 61.3.2, Item G)

G. Vehicle – Equipment Issue, Use and Maintenance

1. The Department will provide appropriate vehicles for the performance of duties. Vehicles as defined by this policy are any mode or means of transportation whether mechanically, electronically, or self-propelled to include automobiles, trucks, vans, bicycles, or other specialized equipment as approved by the Chief. The Chief may issue Department vehicles to certain officers based on Department needs. Only authorized Department personnel may operate or be issued Department vehicles. Every employee using a marked vehicle that bears distinctive identification that signifies the Department will wear an approved Department uniform when operating the vehicle unless exigent circumstances exist or the employee has received prior approval from the Chief of Police.
2. All officers are required to complete daily inspections of Department vehicles and report any deficiencies or maintenance needs to a supervisor. Officers are authorized and required to have minor maintenance such as oil changes or flat tires completed or repaired as needed. Supervisors will determine if Department vehicles are suitable for use or must have immediate maintenance.
3. Officers may not alter, add, remove, or in any way change parts or accessories of Department vehicles without the Chief's permission.
4. Officers will use safe driving practices and operate all Department vehicles in accordance with applicable state, county or local laws.
5. Unless contractual or other approval is requested by the Chief and approved by the Police Commissioner, Department vehicles may only be used for official Department or Town business. The Chief must approve the use of vehicles for specialized functions, training, mutual aid, out of town travel or other needs that contribute to the execution of the Department's mission and duties.
6. Absent exigent circumstances or prior approval by the Chief, passengers in Department vehicles are limited to Department personnel, other law enforcement or public safety officials, staff, visitors, dignitaries or other persons that contribute to the Department's mission.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.14.2

Subject
Communications Equipment

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 81

Distribution
All Personnel

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I. Purpose

To clearly define the functions of communication and establish guidelines and procedures for equipment. The basic function of communications and equipment is to satisfy the immediate information and equipment needs of the law enforcement agency in the course of its normal daily activities and during emergencies. It is the latter situation that places the greatest demands upon the communications system and tests the capability of the system to fulfill its function.

II. Policy

It is the policy of the North Police Department to purchase and issue its officers the necessary equipment to ensure that assigned tasks are completed as required. All issued equipment shall be monitored and documented on a departmental form and each officer held accountable for such equipment. However, the Department will maintain equipment resulting in malfunction from normal use.

III. Procedure

In addition to communications devices and other necessary equipment, North Police Department will issue other specific communications equipment. This equipment may include but not be limited to radios, digital pagers and cellular phone equipment.

(Ref: CALEA 81.2.6)

A. Radios

1. The Department shall provide continuous communications among officers. The Department shall own and maintain all radio equipment other than that equipment provided by assisting agencies. The Department will be responsible for licensing and other associated costs with any communications system. The Chief may permit officers to carry authorized personal communications equipment.

(Ref: CALEA 81.2.3)

2. Immediate communications capability provides a measure of safety and security to law enforcement officers and the community.
3. Officers are required to possess departmental radio equipment that ensures continuous contact with other officers. Road Patrol officers are required to possess a hand-held unit to enable communication among other officers and agencies.

B. Digital Pagers

1. Each police officer will be provided a digital pager for business communication use.
2. The paging service will be maintained through the lowest bidding business. The company will be required to provide statewide service and additional contiguous state coverage.
3. Each officer is required to constantly monitor his/her pager and respond within 15 minutes of receiving notification from the Department. Officers understand that they are on-call 24 hours a day, seven days a week.
4. Understanding that exigent circumstances may prevent an officer from making immediate contact, the officer shall return the call within a reasonable amount of time. If an officer fails to return a call within thirty minutes, the officer shall receive a second notification. Each officer shall make a diligent effort to respond to any Department call with promptness.
5. This policy shall exclude officers on vacation, sick or other approved absences.

C. Cellular Phones

1. The Chief or his designee may provide continuous or limited responsibility to any Department member to monitor or utilize a cellular telephone. Generally, each division or division supervisor will be provided with cellular communication equipment. Each person shall monitor or have immediate access to the equipment.
2. The Road Patrol has permanent assignment of a cellular phone. The current system uses the Verizon Wireless system. Each officer is expected to be familiar with this system. Officers shall utilize the cellular system when necessary and will adhere to an agreement concerning usage times.

- D. Notwithstanding the provisions of this procedure, officers will not be subject to disciplinary action for legitimate malfunction of equipment. However, each officer shall make a timely report of equipment malfunction to a supervisor.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

1.14.3

Subject

Amends/Supersedes

None

Related Standards/Statutes/References/Policies

CALEA Chapter

Distribution

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North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

1.14.4

Subject

Amends/Supersedes

None

Related Standards/Statutes/References/Policies

CALEA Chapter

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North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.14.5

Subject
Line Inspections

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 53

Distribution
All Personnel

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I. Purpose

To inspect and evaluate the quality of the operations of the North Police Department, to ensure that employees are complying with agency requirements and to ensure accountability is achieved.

II. Policy

It is the policy of the North Police Department to conduct line inspections on a regular basis to assess the Department's effectiveness and the compliance of its employees with the policies, procedures, rules and regulations of the Department.

III. Procedure

A. Personal Appearance and Uniform Standards Inspection

1. Procedure

Supervisors shall visually inspect all officers on their shift on an informal basis. The supervisor may, in his/her discretion, conduct formal inspections from time to time. These inspections shall include:

- a. Physical appearance and grooming.
- b. Condition and cleanliness of uniform.
- c. Condition and polish of leather items.
- d. Correct wearing of insignia and other uniform items.
- e. Condition and use of only authorized items.
- f. Periodic inspection of duty weapon and ammunition.

2. Frequency: Daily

3. Responsibility

Shift supervisor. These informal inspections shall be made on a daily basis to ensure that members are meeting the Department's appearance standards. If the supervisor discovers any deficiencies he/she will have the officer make on the spot corrections. If this cannot be done the supervisor will assist the officer in requisitioning replacement uniform items or equipment.

4. Written Report

If a deficiency is serious or flagrant the supervisor will initiate disciplinary action using the Personnel Action Report. Exemplary appearance can be documented in a written memorandum from the supervisor.

5. Follow-up

After giving the employee a reasonable amount of time to correct the deficiency the supervisor shall check the employee to ensure that corrective action has been taken.

B. Vehicle Inspection

1. Procedure

Each officer, including supervisors, shall inspect any vehicle prior to driving it. This inspection shall include but not be limited to:

- a. Condition and cleanliness of the exterior and interior.
- b. Fluid checks and condition of lights.
- c. Condition of tires, including spare.
- d. Radio, MDT, siren, emergency lights, cage and shotgun.
- e. First aid kit, fire extinguisher, blankets, bloodborne and air borne protection items, seatbelt cutter, restraint belt, lightsticks and jack.

During the monthly inspection the supervisor will use the same procedure to inspect the vehicles assigned to the members of his/her shift.

2. Frequency: Daily by officer; Monthly by supervisor.

3. Responsibility

The supervisor is responsible for spot checking officers and their vehicles to ensure that the daily inspections are being conducted. Supervisors are responsible for inspecting each vehicle assigned to their shift on a monthly basis. Any deficiency noted during inspection will either be corrected on the spot by the officer or sent to the appropriate repair facility.

4. Written Report

Any deficiency that cannot be corrected on the spot will be recorded on the vehicle maintenance report and the officer will advise the supervisor. The supervisor will complete a Monthly Inspection Report for all vehicles assigned to his/her officers including his/her vehicle. This report is then forwarded to the Chief or his designee for review. If a deficiency is due to negligence or abuse by the officer the supervisor will take disciplinary action using the Personnel Action Report.

5. Follow-up

The supervisor will be responsible for following up with the officer to ensure that corrective action has been taken. This may include inspecting the vehicle again.

C. Police Facility Inspection

1. Procedure

Supervisors will make a walk through inspection of the police building. This inspection shall include:

- a. General condition and cleanliness of the building and furniture.
- b. Safety and security of the building.
- c. Check of interior and exterior lighting.
- d. Condition and presence of emergency equipment to include fire extinguishers, smoke detectors and emergency lighting.

2. Frequency: Daily by supervisors; Monthly by the supervisor.

3. Responsibility

The supervisors are responsible for the inspection of the safety, security and general condition of the building, furniture and office equipment. Supervisors will make on the spot corrections when possible. Any deficiencies that cannot be corrected by the supervisor will be reported to the Chief's designee for corrective action.

4. Written Report

The supervisor will forward a written memo to the Chief or his designee describing any deficiency that could not be corrected on the spot and recommending a solution.

5. Follow-up

On his/her next working day the supervisor will check the area of the building, furniture or equipment that was deficient to ensure that corrective action has been taken. On matters referred to the Chief or his designee he/she will follow-up to ensure that corrective action has been taken.

D. Special Purpose Line Inspection

The Chief of Police may direct special purpose line inspections on an as needed basis.

(Ref: CALEA 53.1.1)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.15.1

Subject
Notification for Court Appearance

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 74

Distribution
All Personnel

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I. Purpose

To establish uniform procedure in the Department for the handling and service of subpoenas.
(Ref: CALEA 74.1.1)

II. Policy

It is the policy of this Department to serve subpoenas promptly and for its officers to attend court as scheduled unless properly excused.

III. Procedure

A. Police personnel shall serve criminal and traffic court subpoenas for persons residing or employed within the corporate limits of North.

1. Personal service on subpoenas is preferred; however, for other law enforcement officers, subpoenas may be left with a responsible representative of that officer's department.
2. When officers receive subpoenas they shall be served as soon as service demands permit. The shift supervisor is responsible for seeing that this is done.

B. Subpoenas for persons living outside the community may be mailed and registered by the Clerk of Court, or relayed to the police agency in that area for personal service.

C. It is the responsibility of the arresting officer to list all witnesses in the incident or accident report so that all witnesses can be subpoenaed. The arresting officer shall investigate, prior to court date, the status of the subpoenas and witness notifications pertaining to his/her case.

- D. In the event an officer is scheduled off-duty on regular days off, holiday time, compensatory time, vacation, military leave or is assigned to training and receives a subpoena for a date prior to the officer's scheduled return to work, it shall be the responsibility of that officer's supervisor to attempt to contact that officer as soon as possible, and to notify the appropriate prosecutor' office or court if the officer cannot be reached.
- E. If a certificate of service is included with the subpoena the serving officer is responsible for completing it and returning it to the Clerk of Court as soon as possible.
- F. In any case, if an officer is unable to serve a subpoena the officer is responsible for returning the subpoena to the Clerk of Court as soon as possible.
- G. It will be the responsibility of each individual officer to attend court whenever properly notified. No officer will miss a scheduled court appearance unless:
 - 1. Permission is granted in advance from the Chief and agreed upon by the Prosecutor's Office, Solicitor's Office or the Municipal Court as is appropriate.
 - 2. The officer's supervisor is notified in advance of the scheduled court date that the officer is not available on that date, and arrangements have been made through the appropriate Prosecutor's Office to reschedule the case or have another officer handle the case.

Mark P. Fallaw
Chief of Police

Date

) **State of South Carolina**

) **County of** _____

AFFIDAVIT OF SERVICE

I, _____ do hereby attest and
affirm that on this _____ day of _____ in the
year _____, at approximately _____ hrs, I
personally served the document

{rule to show cause, subpoena, letter, etc.} upon
_____ at the location of
_____.

Signature of person completing service

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
1.16.1

Subject
Liaison with Other Agencies

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapters 13, 61

Distribution
All Personnel

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I. Purpose

To establish and maintain effective channels of communications between the North Police Department, other public safety agencies and non-enforcement public and social agencies.

II. Policy

It is the policy of the North Police Department to establish interagency liaisons by providing cooperation among the criminal justice community and by addressing areas of mutual concern.

III. Procedure

A. Liaison With Criminal Justice Agencies

The goals and objectives of the North Police Department cannot be achieved without the assistance and cooperation of all criminal justice agencies. This can only be achieved by positive exchange with the local juvenile and adult courts; prosecutor; probation and parole agencies; and adult and juvenile correctional agencies.

1. Liaison with the Adult and Juvenile Court

The Department participates in a number of programs with both the Orangeburg and surrounding County Circuit Courts and Family Courts as well as the North Municipal Court. Officers shall continue this liaison in the following programs, and in any other program initiated in agreement with the Police Department.

- a. Bond Hearing Request Form - On every arrest where an adult subject is jailed, a Bond Hearing Request Form shall be completed by the arresting officer. As the officer ordinarily does not see the judge prior to setting a bond, this form is used to

advise the judge with the information necessary to make appropriate bond decisions. The form will advise the judge which jail the subject is in, the defendant's name, address and date of birth, charges and unusual circumstances the officer wants the judge to consider in setting the bond.

(Ref: CALEA 13.1.4)

- b. Pre-trial Intervention - This program is for persons who have been arrested for the first time for non-violent General Sessions offenses. They may apply directly to the Solicitor's Office with jurisdiction in the case or be referred by the court, the police department or another agency. If the applicant is selected and successfully completes the program the charge is dismissed. The Department will cooperate by making referrals and in reporting violations of this program.
- c. Community Juvenile Arbitration Program - This program permits the first time juvenile offender of a minor crime in Orangeburg County to purge this record from the system by completing a list of tailor-made requirements that were determined by a volunteer arbitrator. The Police Department will cooperate with this program by making referrals and actively participating in the arbitration hearings.
- d. Community Service Work Program - Orangeburg and surrounding County Circuit Courts and Family Courts and the North Municipal Court use community service work programs as alternative sentencing. Our Department shall cooperate in such programs, including noting any abuse of the sentencing alternatives by the participants. (Ref: CALEA 13.1.5)

2. Liaison with the Prosecutor's Office

- a. Meetings concerning pending cases:

In order to facilitate the successful prosecution of cases, officers shall meet with the Town prosecutor or solicitor handling any case prior to the case proceeding to trial. On the day that cases are scheduled for trial, officers shall respond to court well in advance of the scheduled trial time to review testimony, ensure the availability of evidence, and answer any questions posed by the prosecutor.

b. Questions concerning charges or sufficiency of evidence:

In any instances where a question exists as to the proper charges to be filed, or if there is a question as to the sufficiency of evidence to substantiate criminal charges, or legal interpretations or other assistance is needed, officers may either meet with or contact the prosecutor prior to filing charges, even if this delays the initiation of an arrest.

c. Conflict with scheduling court appearances:

- (1) When, through receipt of a subpoena or other court notification, an officer becomes aware of a conflict with vacation or other leave, the officer must promptly notify the appropriate Solicitor's Office or, in Municipal Court cases, the Clerk of Court. The officer may seek a continuance of the case when appropriate.
- (2) When an officer is unable to attend a trial due to illness, the officer must promptly notify the Solicitor's Office or, in Municipal Court cases, the Clerk of Court, so that a continuance may be obtained and other witnesses are notified to cancel their appearance.
- (3) Officers are urged to communicate with the Solicitor's Office or Municipal Clerk of Court so that they are aware of scheduling conflicts and able to act.

3. Probation and Parole Authorities

Officers shall cooperate with probation and parole authorities by completing probation recommendation reports, and discussing cases with probation officers during their investigations. Officers shall also cooperate with probation and parole officers in cases of suspected or actual probation/parole violations, or by reporting suspected probation/parole violations to the appropriate probation and parole officer.

4. Adult and Juvenile Correctional Agencies

Officers shall cooperate with adult and juvenile correctional agencies, including any "Halfway House" or "Group Home" facilities that may be based in North or adjacent communities. Police Officers will report any actual or suspected violations to the responsible correctional authority.

B. Liaison With Other Law Enforcement Agencies

1. Cooperative or joint police operations are an important function for effective law enforcement; however, such undertakings can incur liabilities upon the officers, agencies and governments involved.

2. The North Police Department will assist outside agencies with warrant and summons service within the Town, as well as conduct joint investigations outside our Town of suspected criminal acts that occurred within our Town.
3. In situations where the Department will assist or cooperate with other law enforcement agencies in joint surveillance, stakeouts, vice or narcotics operations and enforcement action is likely, it will be with prior approval of the Chief.
 - a. If the operation is immediate and no contact with suspects or enforcement action is anticipated or likely, then approval from the on duty supervisor will suffice.
 - b. If the assistance or cooperation is requested by an outside agency in fresh pursuit of a suspect within our jurisdiction, nothing in this section shall preclude taking enforcement action, and no prior approval is required as long as the officer adheres to Department policy and procedure.
4. The Chief may meet on a regular basis with the area Police Chiefs and other law enforcement executives.
5. A representative of the Department may attend meetings of the Capitol Area Intelligence Organization (CAPIO), the SLED Criminal Intelligence Section, the SC Crime Prevention Officers Association, the SC D.A.R.E. Officers Association, Orangeburg County Missing and Exploited Children Comprehensive Action Program (M/CAP) and all officers are members of the SC Law Enforcement Officers Association (SCLEOA).
6. The Chief, Accreditation Manager, and other involved officers may attend meetings of the Commission for Accreditation for Law Enforcement Agencies (CALEA) and the S. C. Association for Law Enforcement Accreditation.

C. Liaison With the North Fire Department

The Chief and or the Chief's designee will meet periodically with the North Fire Chief to exchange information and coordinate public safety efforts.

D. Referral Criteria

1. Law enforcement officers, in the course of performing their duties, often encounter people in need of help that can best be provided by another criminal justice, public service or social service agency.

2. A list shall be posted in the Patrol Division Squad Room of various public and social service agencies available in Orangeburg and surrounding counties to assist people in need of such service. Officers are encouraged to familiarize themselves with these agencies and use their services when appropriate.

E. Liaison With DOT Engineering and County Public Works

The Chief of Police will act as liaison with the Department of Transportation and both county Public Works Departments in matters relating to traffic engineering and highway safety. The Chief will be responsible for ordering the collection and compilation of necessary traffic data, traffic surveys and studies, preparation of special reports and making for recommendations for improvements to the appropriate agency. The Chief will be responsible for advising the Town Administrator of the action taken.

1. All complaints or suggestions concerning traffic-engineering deficiencies will be forwarded to the Chief of Police for his review.
2. The Records Section transmits copies of traffic accident reports, including associated enforcement data, to the SC Department of Transportation on a weekly basis. (Ref: CALEA 61.3.1)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

1.16.2

Subject

**Agency Jurisdiction, Mutual Aid and
Regional Services**

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 2 and SC Code of Laws, Titles 12, 23, 25

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I. Purpose

To provide use of police officers and/or equipment, in certain situations, to perform police duties outside of the territorial limits of the jurisdiction where the officers are legally employed. This may be desirable and necessary in order to preserve and protect the health, safety, and welfare of the public.

II. Policy

It is the policy of the North Police Department to provide reasonable assistance, upon request, to any law enforcement agency or municipality within this state, or to any State or Federal agency requesting assistance in the investigation or enforcement of criminal laws. The North Police Department will provide intergovernmental police service and assistance to any law enforcement agency during times of emergency and routine police work when mutual aid would best serve the interests of each law enforcement agency and its citizens.

III. Procedure

A. Geographical Boundaries

Officers will be provided access to a detailed map of the Town of North.

B. Concurrent Jurisdiction

1. Agencies having jurisdiction with the corporate limits of the Town are the North Police Department, the Orangeburg County Sheriff's Office, the SC Law Enforcement Division, the SC Highway Patrol and Federal law enforcement agencies.
2. Employees of this Department will offer complete cooperation when situations arise where these agencies must exercise their authority within the Town.

3. Authority of the North Police Department
 - a. In addition to the legal authority provided in this Chapter, North Police Officers will enforce the rules, regulations and ordinances of the Town of North and the laws of the State of South Carolina and carry out all duties and responsibilities assigned to the Police Department by the Town of North.
 - b. North Police will enforce the traffic rules and regulations of the Town and the traffic laws as denoted in the SC Code of Laws, on all streets within the jurisdiction of the North Police Department.
 - c. The North Police Department has exclusive jurisdiction and responsibility in matters pertaining to Town Ordinances.
4. SC Code of Laws 23-13-50 grants the sheriff with general law enforcement authority throughout his county, regardless of the presence of municipal subdivisions. All of the corporate limits of the Town of North and its properties are situated in Orangeburg County, South Carolina.
5. SC Code of Laws 23-3-10 grants the SC Law Enforcement Division, (SLED), law enforcement authority throughout South Carolina.
6. SC Code of Laws 23-5-10 grants the SC Highway Patrol law enforcement authority on all state roads and property within the State.
7. The Town of North corporate limits are conspicuously posted with reflective signs denoting the limits and granting jurisdiction to North Police. Other property owned or controlled by the Town of North, but outside the corporate limits are conspicuously posted as being under the jurisdiction of the North Police Department. Nothing prohibits members of agencies with concurrent jurisdiction from enforcement where situations occur in their presence, within the corporate limits. This mutual aid section should be construed as to permit any concurrent agency as having the same jurisdiction as North Police.

C. Mutual Aid Agreements

1. The North Police Department has executed Mutual Aid Agreements with some of the municipal and county law enforcement agencies in Orangeburg and surrounding counties and areas of South Carolina as provided by SC Code of Laws 23-1-210.

2. Originals or copies of the agreements will be kept on file in the Chief's office and copies will be distributed to officers for general review and information purposes. The agreements shall be reviewed annually to ensure that they describe the current legal status of, as well as, current information about the agencies that are party to the agreements.

D. Providing Available Aid

1. If North Police Officers are contacted by another agency requesting mutual aid, the Lieutenant or senior officer will be immediately notified so the situation can be reviewed and a determination made as to the number of officers and what type of equipment will be sent to the requesting department. No commitment of manpower or equipment will be made without express permission of the Lieutenant or senior officer.
2. The safety and security of the Town of North is the Department's first concern and only that manpower and equipment that can be spared without leaving the Town unprotected will be sent.
3. In the event the authorizing officer is not the Chief, the Chief of Police will be advised of the commitment of manpower or equipment as soon as practical. It will only be necessary to notify the Chief immediately if the expected commitment is to be lengthy or extensive, or if the officer in charge feels recall may be necessary, or if Town personnel are injured or property is damaged.
4. The authorizing supervisor will determine whether any special manpower adjustments are necessary.
5. In all cases where North Police Department employees are deployed outside their normal jurisdiction, the incident will be reported to the Chief of Police.
6. Cooperative police service shall be rendered to each agency without charge from the other. The agencies shall provide compensation, pensions or retirement to its officers as provided by law.

E. Emergency Federal Law Enforcement Assistance

1. In the event of a criminal offense in which there is concurrent enforcement responsibilities, (i.e., bombings, bomb threats, major drug violations, etc.) the Lieutenant or his designee will notify the FBI, DEA, or other appropriate Federal agency having concurrent jurisdiction. The North Police Department will cooperate with any Federal law enforcement agency that has initiated an investigation that involves the Town of North.

2. In the event of any other emergency in which Federal law enforcement assistance may be needed, the Lieutenant or his designee should contact the Chief of Police prior to requesting such assistance. The Chief of Police will approve or deny the request and make appropriate notification. (Ref: CALEA 2.1.4)

F. National Guard Emergency Assistance

An emergency may arise necessitating the call-out of the SC National Guard. If such a circumstance exists, the Lieutenant or Captain must request the assistance through the Chief. The Chief must request the call from the Mayor, Commissioner or his designee. The Mayor, Commissioner or his designee will then request the assistance from the Governor, pursuant to SC Code of Laws 25-1-1840. The Governor must authorize the call-out.

G. Mutual Aid Agreement Contents

The Mutual Aid Agreements provide all the necessary information to initiate mutual aid activities either on behalf of North Police Department or at the request of the neighboring law enforcement agency. This information addresses the following:

1. The legal status of agencies and agency personnel responding to mutual aid requests;
2. Procedures for vesting provider agency personnel with the legal authority to act within the receiver agency jurisdiction;
3. Procedures for requesting mutual aid;
4. Identity of those persons authorized to request mutual aid;
5. Identity of persons to whom outside personnel are to report;
6. Expenditures, if any, which should be borne by the receiver agency to compensate for the use of the provider agency's resources; and
7. Procedures for review and revision, as necessary, of the agreement. (Ref: CALEA 2.1.3)

H. Statewide Fingerprint Records System

SC Code of Laws 23-3-40 requires the submission of certain fingerprints to the SC Law Enforcement Division. In accordance with this requirement, the North Police Department will participate in the system.

I. Statewide Criminal Justice Information System

The SC Law Enforcement Division maintains a centralized statewide criminal justice information system. Access to this system is through SLED Headquarters via the local NCIC terminal. The North Police Department does participate in this system.

J. Statewide Crime Reporting System

The State of South Carolina has established a statewide uniform crime reporting system through the SC Law Enforcement Division. The North Police Department shall participate by submitting the required reports to the SC Law Enforcement Division.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

1.17.1

Subject

Open Door Policy

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 11

Distribution

All Personnel

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2

I. Purpose

To establish a formal method to facilitate the flow of communications between Department members and the Chief of Police.

II. Policy

It is policy of the Chief of Police to have an open door to anyone within the Department who has a matter to discuss.

III. Procedure

- A. The Chief of Police is available to entertain concerns, problems or general discussions from employees.
- B. Employees who desire to meet with the Chief should contact him. An appointment may be required.
- C. Employees need not follow their respective chain of command to avail themselves of this policy. However, employees are cautioned that the intent of this policy is to facilitate communications within the Department and will not serve as a by-pass to established lines of authority.
- D. To further facilitate the flow of communications, the Chief of Police, in his discretion, may call multi-level Department meetings.
- E. Attendance with the Chief of Police at multi-level meetings will be as follows;
 - 1. Sergeants – without the presence of Command Officers.
 - 2. Investigators, Corporals, Patrol Officers First Class and Patrol Officers – without the presence of Sergeants.

3. Civilian Personnel – without the presence of civilian or sworn supervisors.

Absent the command structure in listed detail, the Chief of Police may opt to meet with any employee without the presence of his or her supervisor.

(Ref: CALEA 11.4.3)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

1.18.1

Subject

Notification of Town Officials

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 46

Distribution

All Personnel

Re-Evaluation

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4

I. Purpose

To establish guidelines for contacting Town officials including but not limited to Police personnel, Executive and Administrative Management, and Support Services staff during normal operation as well as to provide additional guidelines for after-hours notification.

II. Policy

It is the policy of the North Police Department to contact and maintain positive communications with appropriate officials in the event of crisis, emergencies or other situations that give rise to sensitive issues and matters pertaining to the Town of North. North Police will assist in this endeavor by following procedures established by the North Police Department, the Town Administration, the Town Council and the Mayor. It is further the policy of this agency to promote community relations when addressing concerns of citizens or employees that clearly fall within the parameters of assistance that may be readily available to the North Police Department.

(Ref: CALEA 46.2.4)

III. Procedure

Police Department

A. Notification

North Police officers will notify an immediate supervisor and/or the Chief of Police in the event that a crisis or emergency occurs within the corporate limits that results in direct detriment to the Town, affects a town employee or is a matter of sensitive nature that will result in direct reflection on the Police Department or Town.

These crises or emergencies may include but are not limited to:

1. Death or Suicide;
2. Attempted Suicide;
3. Serious Injury or Illness;
4. Missing Persons;
5. Violent or Extreme Disruptive Behavior;
6. Major Fires;
7. Rape/Sexual Assault;
8. Serious Physical Assault;
9. Sexual, Racial or Ethnic Harassment that may bring rise of physical violence or rioting;
10. Robbery;
11. Pursuits by the North Police Department;
12. Officer Involved Shootings;
13. Death or Serious Injury of a Town of North Employee;
14. Gross or Negligent Policy Violations.

B. Response

In the event that any of the above circumstances arise or any other situations that the supervisor deems necessary, the supervisor will immediately notify the Lieutenant or his designee. The Lieutenant or his designee will then reassess the circumstances. If the situation is of serious nature, involves direct detriment to the Department or Town or is listed as one of the above items, the Lieutenant or his designee shall then immediately notify the Chief of Police. In all circumstances, North Police Department employees will adhere to organizational policy and chain of command restrictions. For incidents of a lesser nature, the Lieutenant or his designee will take appropriate actions and make appropriate notifications including but not limited to the:

1. Captain;
2. Deputy Chief
3. Chief of Police;
4. Police Commissioner;
5. Town Council;
6. Mayor.

C. Executive Management/Town Council

In any circumstance where Executive Management or Town Council must be notified, the Chief of Police or his designee will make notifications based on law enforcement recommendations, scene safety, and other pertinent facts that may regulate notifications. Executive Management or Town Council should be notified at home first. If unable to contact a member at home, alternate methods should be employed. This may include but not be limited to personal notification, cellular telephones, pagers, vacation locations, etc.

D. Support Services

1. Normal Operation

- a. North Police Department employees shall notify Support Services via telephone for any call for service that requires the immediate response, knowledge or other expertise of their staff. Any such calls shall be handled promptly and appropriately by either contacting them by telephone or pager.
- b. Any such Town need that is located by a Department employee shall be reported promptly and appropriately. Employees shall follow the direction of policies and procedures of Support Services or any other direction provided by the Chief of Police or his designee. Employees may request care for most items and needs using work orders.

2. After-hours

North Police Department employees shall only contact the Support Services staff if the following conditions exist:

- a. Major Electrical Outages;
- b. Major Plumbing Problems;
- c. Major Heating/Air Difficulties;
- d. Major Roof Leaks;
- e. Major Property Loss/Propensity of Property Loss;
- f. Any Safety/Security Concerns;
- g. At the direction of any Command Staff, Senior Management or other Senior Town Official.

3. Call Procedure

When a Department employee finds that there is sufficient reason, based on the above procedure and guidelines, to contact a Support Services staff member, he or she shall follow the below procedure.

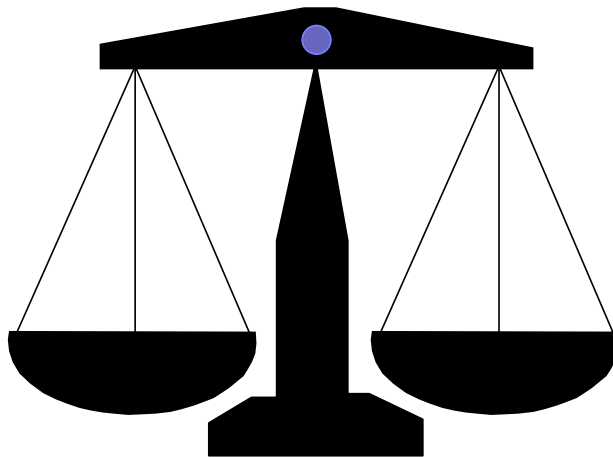
- a. The employee will be in possession of information of:
 - (1) The exact location of the problem;
 - (2) The name and phone number of person originating complaint;
 - (3) The type problem that exists;
 - (4) Any corrective action taken by the Department member.
- b. The officer shall attempt to contact the Support Services member by use of the telephone.
- c. If unable to reach the member by telephone, the officer should attempt to page the individual.
- d. If the individual has not returned the call within 30 minutes, the officer should attempt to reach the Support Services supervisor.
- e. If the supervisor cannot be reached, he should then be paged.
- f. If after 30 minutes neither party has returned the calls or pages, the officer shall follow the Department chain of command in notification of the appropriate departmental supervisor who will contact the Mayor or other appropriate personnel.

Mark P. Fallaw
Chief of Police

Date

North Police Department

North, South Carolina



"An Effective and Efficient Agency"

Policy and Procedure Manual

Chapter 2- Data Management

Mark P. Fallaw
Chief of Police

Chapter 2- Data Management

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North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
2.1.1

Subject
Planning and Research

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapters 13, 14

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I. Purpose

To establish the planning and research function of the North Police Department.

II. Policy

Planning and research activities are essential to effective management of the North Police Department. All elements of the Department may be involved in some aspect of the planning function.

III. Procedure

- A. The Chief of Police will coordinate the Department's planning and research function, as deemed necessary. The Chief has access to all the necessary information resources to carry out this function. The Chief will brief the Police Commissioner on planning and research findings.

(Ref: CALEA 14.1.2)

- B. The Strategic Plan is comprehensive in scope and reflects the longer-term needs and directions of the organization. The Chief will direct the annual updating of the Department's strategic plan and shall use agency reports to develop a multi-year plan that shall address, at a minimum, the following:

1. Goals and operational objectives; (Ref: CALEA 13.2.3, Item A)
2. Anticipated workload and population trends;
(Ref: CALEA 13.2.3, Item B)
3. Anticipated personnel levels; and (Ref: CALEA 13.2.3, Item C)
4. Anticipated capital improvement and equipment needs.
(Ref: CALEA 13.2.3, Item D)

- C. The Planning and Research Function will have basic responsibilities to include, but not be limited to, the following:
1. Conduct periodic workload assessments to determine the allocation and distribution of personnel;
 2. Research agency reports and conduct crime analysis studies to be distributed to applicable functional components;
 3. Conduct periodic surveys to determine any unfulfilled needs of victims and/or witnesses of crime;
 4. Conduct periodic surveys to determine community perceptions of the Department;
 5. Review current journals and publications to research successful programs used by other law enforcement agencies;
 6. Determine governmental funding sources and program opportunities;
 7. Assist in the development of the Department's annual report; and
 8. Assist with other planning or research.
- D. Any analytical reports generated by the planning and research function will be disseminated to affected personnel or sections. This may include analytical reports from sources outside of the Department that may be used in the planning and research process. SLED Uniform Crime Reports are filed in the Records Section and are available for review by any officer upon request.

(Ref: CALEA 14.1.3)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

2.2.1

Subject

Fiscal Management

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapters 14, 17

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4

I. Purpose

To establish the procedures and responsibility for the fiscal management of the Department and preparation of the annual budget.

II. Policy

It is the policy of the North Police Department that all fiscal management policies be in accordance with, and follow the accounting procedures of, the Town of North. The Chief has the responsibility for the management of all fiscal aspects of the Department, and the preparation and management of the budget.

(Ref: CALEA 17.1.1)

III. Specific Guidelines

A. General responsibility for the fiscal management function and internal monitoring of the Department is the responsibility of the Chief.

B. Fiscal management functions shall include the following:

1. Development of annual budget requests;
2. Supervision of expenditures and related controls;
3. Accountability, serviceability, and usage of agency equipment; and
4. Facilities management.

C. The Chief will develop the Department's budget requests with the assistance of the Captain. The Chief will review the completed annual budget requests and forward it to the Police Commissioner, the Mayor and Town Council for approval.

(Ref: CALEA 17.2.1)

- D. The Captain shall develop and maintain guidelines for supervisors to use in the preparation of the annual budget. Guidelines will include the following:
(Ref: CALEA 17.2.2)

1. Unit supervisors will prepare budget requests and provide it to the Chief no later than March 1, each year.
2. Requests must provide adequate justification for major expenditures.
3. Requests must include how expenditure relates and supports the unit's goals and objectives.

- E. If an emergency appropriation is necessary that cannot be funded within the Department's budget, a request for additional funds will be prepared and approved by the Chief before being forwarded to the Police Commissioner.

- F. Requisition and Purchasing Requirements

1. It shall be the responsibility of the supervisors to maintain the equipment and supplies for the day-to-day operational needs.
2. The Captain will receive all requests for supplies and equipment. The Captain will accomplish the following:
 - a. Determine if the equipment is available within the Department;
 - b. Establish the fair market value of the item needed, obtain bids, select the vendor based on price, quality of product and Town policy;
 - c. Prepare a purchase requisition and submit it for approval; and
 - d. Receive and issue the purchased item.
(Ref: CALEA 17.3.1, Items A, B & C)
3. All supervisors shall monitor the use of equipment and supplies needed for operations under their span of control. Supervisors should maintain adequate supplies and conduct regular inspections to avoid unanticipated emergency expenditures.
4. Emergency purchases may be made only in situations that endanger or threaten to endanger health, welfare, and/or safety of the employees or the public. Approval should be sought for the purchase as soon as the time and situation permits. Documentation of the extenuating circumstance will be provided with the request for payment.
(Ref: CALEA 17.3.1, Item D)

5. The Chief will be responsible for the preparation of any request for supplemental or emergency appropriation and/or funds transfer. Funds may be reallocated from one program to another to cover an unanticipated purchase. (Ref: CALEA 17.3.1, Item E)

G. Accounting System

The Department's accounting system shall be monitored by the Chief for compliance with appropriate Town policies. The Clerk's Office maintains all accounts and the Department is provided monthly computer printouts, which contain the following:

1. Initial appropriations for each account; (Ref: CALEA 17.4.1, Item A)
2. Year-to-date expenditures;
3. Balances at the commencement of the monthly period;
(Ref: CALEA 14.4.1, Item B)
4. The unencumbered balance. (Ref: CALEA 17.4.1, Item D)

H. Cash Funds (Ref: CALEA 17.4.2)

The copy sales box is for the receipt of funds for copies of reports only. The Administrative Section shall charge \$2.00 per copy for police reports requested by someone other than law enforcement personnel or by persons not named within the report. Monies received for reports will be deposited in a timely manner and in accordance with the policies and procedures of the Department. The total of monies on hand will not exceed \$50.00. If collections are less than \$50.00, deposits will be made at the discretion of the Chief, but no less than monthly. The beginning monthly balance will be zero. The Department is not authorized to maintain change monies in the report copy sales box.

I. Inventory and Control

The Department will control and account for all Department-owned property in accordance with Inventory Control procedures, which includes an annual inventory. In addition, the following internal controls will be complied with:
(Ref: CALEA 17.5.1)

1. Signature Cards

Signature cards will be maintained on all weapons owned by the Department and issued to its personnel. Signature cards will be stored in the weapons security container or in the Chief's office. All unserviceable equipment will be returned to the Department.

2. Equipment Issue Records

Computers, police radios, typewriters, and other accountable equipment issued will be recorded on equipment receipts.

(Ref: CALEA 17.5.2)

J. Operational Readiness of Equipment

The Captain will make every effort to maintain all unissued uniforms and equipment in an operational condition for reissuing. Emphasis will be placed on the condition of weapons and radios. Items in storage will be inspected annually.

(Ref: CALEA 17.5.3)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
2.3.1

Subject
Records Administration

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 82, SC Code of Laws, Titles 23, 30, and Title 28 of the Code of Federal Regulations

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I. Purpose

To establish procedures for the effective, and efficient review, recording, maintenance, control and retrieval of records that are the responsibility of the North Police Department.

II. Policy

It is the policy of the Department to operate a central records system that complies with all federal, state and local regulations and that allows for the productive use of the information contained therein by all of its law enforcement elements.

III. Procedure

A. Records Function

1. Report review is delegated to the immediate supervisor of the reporting officer. This review is made to ensure completeness and accuracy of all reports and that all reports are submitted. The Captain will conduct a secondary review of reports to ensure the reports are submitted to the proper units and/or individuals and that the reports comply with all applicable standards.
2. Report control (availability and confidentiality of all reports) will be the responsibility of the Chief.
3. Record maintenance (maintenance and distribution of reports) will be the responsibility of the Chief.
4. Record retrieval (filing and location of reports) will be the responsibility of the Chief and will be accomplished by case number.

B. National Incident Based Reporting System (NIBRS)

The Department participates in the NIBRS in conjunction with the South Carolina Law Enforcement (SLED). The Chief will adhere to all policies and procedures promulgated by SLED for the collection and submission of this data. The Department manually collects and submits this data.

(Ref: CALEA 82.1.3)

C. Documentation of Law Enforcement Activities

It is the policy of the Department that official records be prepared and maintained to document all law enforcement activity, whether originated by a citizen, another agency or an employee.

(Ref: CALEA 82.2.2)

1. Documentation will be prepared for the following categories of incidents, if they are alleged to have occurred within the Department's service area:
 - a. Citizen reports of crime;
 - b. Citizen complaints;
 - c. Citizen requests for service when an employee is dispatched;
 - d. An officer is assigned to investigate;
 - e. An employee is assigned to take action at a later time;
 - f. Criminal and non-criminal incidents initiated by or coming to the attention of Department personnel;
 - g. Automobile accidents investigated by a Department employee; and
 - h. Incidents involving an arrest or the issuance of a summons in lieu of arrest.
2. This documentation of law enforcement activity may be in the form of a completed report, citation, incident report, and/or accident report.
3. The reporting officer is responsible for notifying the complainant of the action taken if the complainant requests to be notified.

D. Field Reporting System

1. Reports

Employees of the Department will use the appropriate report form(s) applicable to the nature of the incident being reported. The report will be well written and complete upon submission. Forms generally used in the field reporting include but are not limited to: Incident Reports, Supplemental Reports, Accident Reports, Booking Reports, traffic tickets, statement forms, chain of custody forms and towed vehicle forms.

(Ref: CALEA 82.2.1, Item B)

2. Procedures to Complete Forms (Ref: CALEA 82.2.1, Item A)

- a. Incident Report – All reports of a criminal offense (as defined by the Uniform Crime Reporting handbook) received by the Department that occur within the service area will be recorded on the Incident Report form and will be issued an Incident Report number.
 - (1) Incident Reports will be completed on criminal acts that are brought to the attention of an officer and occur within the service area, even though the complainant does not wish to file charges or have a report made.
 - (2) Incident Reports will be completed by an officer initiating an officer-citizen contact of an investigative type (Terry stop); any other officer-citizen contact the officer deems is necessary, and after every adult arrest.
 - (3) Incident Reports will be completed by an officer wishing to report a local violation to the appropriate authority. These reports will be forwarded to the Chief's office for recording and referral.
 - (4) Incident Reports will be used to record all arrests.
 - (5) Traffic accidents involving a fatality will be recorded on an Incident Report and Accident Report.
 - (6) Incident Reports will also be used to record certain types of incidents of a non-criminal nature and will record all applicable information. All persons involved should be listed on the form. Non-criminal incidents requiring an Incident Report are: deaths (natural and suicide), suicide attempts, missing persons, prowlers, fires not classified as arson, assistance rendered to another agency, medical assistance rendered to an individual if the individual was transported to a medical facility, lost/found property, missing inventory, recovered stolen property, and local ordinance or policy violations not specific to an individual.
- b. Supplemental Report – A Supplemental Report will be submitted by an officer when it is necessary to explain, expand or continue with information from the Incident Report; to record important confidential information not contained in the incident report such as investigative leads and unsubstantiated information that could be of investigative use such as intuitions, hunches, possibilities, etc.; and to record expanded narratives.

- (1) Supplemental Reports will be neatly and legibly printed.
 - (2) The report will be attached and filed with the original report if completed at the same time.
- c. Booking Report – A Booking Report is to be filled out for every arrest, including physical arrests for traffic offenses and non-custodial arrests in which a summons is issued. The report must be filled out as completely as possible at the time of arrest.
- d. Miscellaneous Reports – Other miscellaneous reports are to be used by officers to report certain specialized situations.
 - (1) Chain of Custody Forms – required of employees to report property taken into or released from custody, in accordance with policy.
 - (2) Accident Report – required of the investigating officer conducting an accident investigation in accordance with North Police Department procedures.
 - (3) Statement Forms – required of the officer taking the statement. To be witnessed by two parties, signed/dated by the statement provider, and a copy given to the statement provider.

3. Required Information

At a minimum, all field reports will contain the date and time of report, names of all principals (if known), nature of the incident, and reporting individual's name. Specific instruction procedures for completion of Incident and Supplemental Reports are available in the Squad Room. Instructions for Accident Reports are in the Uniform Traffic Accident Report Instruction Manual provided to every sworn officer. (Ref: CALEA 82.2.1, Item C & D)

4. Submitting and Processing Reports

- a. All reports will be completed by the end of the shift as quickly as possible and then submitted for review by the Chief.
- b. A supervisor will review all reports prior to submission.
- c. The Captain will review each report, process the report into the records system and forward the appropriate information and reports to SLED, applicable Town Officials and/or other applicable units. (Ref: CALEA 82.2.2, Item E)

E. Case Numbers

1. The case numbering system used by the Department and overseen by the Chief requires the assignment of a unique case number to every case. Case numbers are assigned consecutively within each month and calendar year in a numerical sequence; i.e., NP0301001, NP0301002 etc.
2. Under this procedure, no number will be duplicated or omitted. The Captain shall review all reports to ensure the numbering system is followed. (Ref: CALEA 82.2.3)

F. Supervisory Review of Reports (Ref: CALEA 82.2.4)

1. Every report submitted by an employee will be reviewed for completeness and accuracy by a supervisor, as specified in this procedure. The supervisor will check the report and will return unsatisfactory reports to the writer for necessary corrections.
2. All reports must be turned in at the end of the officer's shift. If the report is not completed, the supervisor must approve the delay. If approved, the officer must turn in a copy of the incomplete report with a notification to the Captain advising when the report will be completed. The officer's supervisor is responsible for ensuring that officers submit reports in a timely fashion.

G. Distribution of Reports (Ref: CALEA 82.2.5)

1. All reports will be checked by the supervisor for accuracy and forwarded to the Captain for processing. Processing includes: ensuring that all reports are numbered as outlined earlier in this procedure; entering all criminal reports into the Criminal Records Information Management Evaluation System (CRIMES) that includes a master name index file; routing copies of reports to internal units (i.e., investigations for follow-up, Victim-Witness Coordinator, Crime Analyst, roll-call room, etc.); and sending copies of reports to outside agencies or departments, as requested.
2. The Chief, Deputy Chief, Captain and Town Clerk are authorized to provide copies of Incident or Accident Reports to the principals identified in the report or their representatives. Signatures of persons obtaining copies of reports will be obtained on the Document Sign-Out ledger. Reports that are solely the result of, or the fruits of investigative efforts, will not be released to anyone other than those in the criminal justice system. In accordance with federal and state regulations, the Chief will resolve questions concerning the dissemination of reports.

H. Status of Reports (Ref: CALEA 82.1.5)

1. The original copy of all Incident Reports and their supplements will be retained in records. The Captain will ensure that the correct case number has been assigned. Copies of cases may be forwarded to other units for review and follow-up, as needed.
2. Upon the review of an Incident Report, the Captain may assign the case for further investigation. The name of the officer assigned for follow-up will be entered into a log maintained to track assigned cases.
3. Cases entered into the case assignment log will have their status reviewed at least every 30 days by the Captain or his designee.

I. Audit and Evaluation

1. The SLED Criminal Justice Information and Communications System's audit team will conduct an audit of the entire records system every two years.
2. Employees are encouraged to make constructive suggestions to improve the reporting system upon observation of areas needing improvement.

J. Records Retention Schedule

In accordance with the SC Code of Laws (30-1-90 >) and the Archives of the State of South Carolina, a schedule of retention and destruction for records has been established. No records are to be retained, transferred, destroyed, or otherwise disposed of in violation of this schedule. (Ref: CALEA 82.1.2)

IV. Records Operations

A. Accessibility of Records

1. The Chief or his designee will control accessibility of all reports, records, and other information stored in the records. Sensitive information shall be placed in a locked file cabinet. The file cabinets containing such records will be kept locked whenever the Chief or his designee is not present. (CALEA 82.1.1, Item C)
2. Information contained in written reports and stored in the Records Section will be released outside the Department in accordance with SC Code of Law 23-3-110 through 23-3-140. Criminal History Record Information will be released under the guidelines established in the US Department of Justice regulations (Title 28 of the Code of Federal Regulations, part 20) with regards to dissemination, completeness, accuracy, audits, security requirements, access and review. (Ref: CALEA 82.1.1, Item D)

3. Only authorized persons shall have access to such records. All other persons requesting access requires the direct supervision of one of the authorized persons and “need to know.” (Ref: CALEA 82.2.1, Item C)
4. The only personnel authorized to release records are the Chief or his designee. (Ref: CALEA 82.1.1, Item D)

B. Records Repository

The Records Section maintains a repository of records, which includes Incident Reports, traffic accident reports, and agency copy of traffic tickets, daily sheets, and assistance waivers.

C. Criminal History Files and Arrest Identification Numbers

1. An arrest record is made of all persons arrested and is maintained in the Records Section.
2. The record will consist of the arrest card, copy of Incident Report, Booking Report, Fingerprint Card and most recent photo, if available, all contained in a manila folder or envelope. The NCIC criminal history can be obtained through the local terminal if needed. The record will be marked with the individual’s arrest identification number and cross-referenced to other files for the same individual.
3. The arrest identification number will be a unique number assigned to each person arrested by the Department and will be used on all subsequent arrests. The Records Section personnel will assign the numbers and ensure that no such numbers are duplicated or skipped.

D. Recording Arrest Information

A Booking Report is to be filled out and fingerprints/photograph taken for every adult arrest, custodial and courtesy. These reports will be filled out as completely as possible and with attention to detail. Every effort will be made to obtain current information so Records Section personnel may update previously reported data. (Ref: CALEA 82.3.7)

E. Records Maintained Outside of the Records Section

1. Most reports generated by the Department are maintained in the record section. Some records, usually of either a confidential nature or containing such information, which renders them more appropriately stored in a specific unit or section, are maintained outside the Records Section.
2. Other reports and records, both official and unofficial, that are maintained by the various components within the include, but are not limited to the following:

- a. Chief's Office – personnel records, personal correspondence files, professional standards records, confidential informant files, and confidential fund records, alarm records and reports of inventory losses.
- b. Investigations Unit – case files and criminal intelligence files.
(Ref: CALEA 82.3.5)

F. Recording Dispositions

All criminal cases presented for prosecution will have the final disposition reported by the officer in a Supplemental Report and same disposition recorded on all arrest records by the Records Section personnel. Dispositions will also be forwarded to SLED using FBI Form R-84.

V. Traffic Records

A. Traffic Accident Data

Reports: Traffic Accident Reports will be completed and turned in by the end of the officer's shift. If that is not possible, a copy of the incomplete report will be turned in with a notification of the anticipated date of completion. The supervisor must review all Accident Reports. Copies of completed Accident Reports may be disseminated to the principals or their representatives as with other reports.

B. Traffic Enforcement Data

1. Traffic Citation Records

- a. The Chief or designated personnel will issue blank citation books to all personnel. For accountability purposes, Records Section personnel will log the date issued, the supervisor's name and inclusive numbers of citations into the logbook. Supervisors will maintain a log of all issued citations in the unit's files. All other copies of issued or voided citations, with the exception of the violator's copy, are forwarded to the Captain who will maintain them in a secure file.
(Ref: CALEA 82.3.4, Items A & B)
- b. Officers reporting to court will sign for the remaining copies on court day and will return them with properly annotated dispositions that same day. North Police Department copies will be forwarded by the Records Section and the agency copies (white) of citations will be maintained in numerical order.

- c. Blank citations will be stored in a locked cabinet in the Records Section. (Ref: CALEA 82.3.4, Item C)
- 2. The Chief has access to all traffic citation records and dispositions. Location data may be gathered through manual research of the citation records. (Ref: CALEA 82.3.3, Item B)

C. Accident and Enforcement Analysis Reports

Traffic accident analysis reports and traffic enforcement analysis can be provided to any officer requesting it through a manual search conducted by Records Section personnel of traffic citations and their locations.

(Ref: CALEA 82.3.3, Item D)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

2.3.2

Subject

Records Administration Integrity

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 82 and North Police Department's Police and Procedure Manual, Chapter 3

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2

I. Purpose

To establish procedures for the effective and efficient review, recording, maintenance, monitoring and control of records and charging documents for the North Police Department. These documents include but are not limited to Town summonses, State summonses or warrants.

II. Policy

It is the policy of the North Police Department to use a records system to maintain, document and control records in the use of fair and equitable enforcement of laws with integrity and without discrimination.

III. Procedure

A. Records and Document Integrity

1. Every charging document of the North Police Department is an official document. It is the Department's mission to maintain and control official records with a high level of integrity.
2. Each officer is expected to assist with completeness and accuracy of all records and reports. Every document will be issued in accordance with prescribed and applicable laws. (Ref: CALEA 82.1.1)

B. Limits of Authority

Although every officer is given a discretionary use of authority in issuing summons and other charging documents, each officer is held to prescribed standards of law relating to such documents. In accordance with these laws, officers will not make offers of pleas, reduce charges, void charging papers or otherwise dispose of charges or documents without the express authority of the Chief of Police.

C. Disciplinary Action

Notwithstanding other provisions, every officer will be held accountable for actions specifically related to charging documents. Officers who violate the provisions of this section will be subject to outlined disciplinary actions as outlined in Chapter 3 of this manual. Based on investigative determinations, the action may be inclusive of demotion, suspension or termination.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
2.4.1

Subject
Forms Accountability

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 13

Distribution
All Personnel

Re-Evaluation
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6

I. Purpose

To ensure accountability for forms used to record the activities of the Department.

II. Policy

It is the policy of the North Police Department to have strict accountability for those forms that record an exchange of money and those forms whose accountability are mandated by law. General accountability shall be required for all other forms.

III. Procedure

A. Accountability

1. The Department uses numerous forms in its daily operations. Many of the forms are required by external agencies and may not be deleted or modified by Department employees. Those forms that are developed internally may be modified or deleted by the Chief or his designee.
2. For accountability purposes, forms are divided into two classes:
 - a. Strict Accountability

Accountability is required for blank and completed forms and is subject to audit.
 - b. General Accountability

Accountability is required for completed forms only and they may be maintained within a particular section or unit or within the Records Unit.

3. The Chief or his designee shall establish and maintain a list of accountability. The list will define which forms are used, how their accountability is maintained, and where they are filed. Those forms requiring strict accountability will follow the specific procedures outlined for their use. Those forms requiring general accountability follow the guidelines and will be tracked only after they have been completed and are assigned a case or other number. They are subject to the procedures as outlined in the Records Administration Section 2.3.1 of this manual. (Ref: CALEA 13.2.1)

B. Storage

1. Unused forms will be stored either in the Records Unit or under the control of the specific person/function designated as responsible for that form.
2. Forms stored in the Records Unit are managed by, and under the control of, the Chief and the Town Clerk. Completed forms filed in other areas or sections are under the control of that supervisor.
3. When employees need additional forms, they must complete a form request and submit it to the Town Clerk. The Town Clerk will review the request and if appropriate, issue the requested number of forms. Employees shall not copy Department forms from copies and will only use those forms that are accounted and requested through the Town Clerk. The Town Clerk will maintain a dated log of employees requesting forms and the amount of forms requested.

C. Form Development, Modification and Deletion

The Chief or his designee is responsible for form development, modification and deletion. Any employee may submit recommendations regarding the use of a form to the Chief and all employees are encouraged to do so. The Chief will review any proposed form, modified form or suggested deletion of a form to ensure that it meets the reporting needs of the Department and that the information captured on the form does not unnecessarily duplicate information documented by another form.

D. Review

The Chief will review all new or modified forms to ensure the accuracy and necessity of the form and to verify the consistency of its format with established record maintenance and data processing requirements. The Chief will also provide samples of the form among the employees who will use the form so that their comments can be considered.

E. Approval

The Chief must approve all new forms, modifications to forms or deletions of forms.
(Ref: CALEA 13.1.2)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Forms Accountability List

To assure compliance with the Department policy governing forms accountability, the following list provides for the authorized use of forms for which employees of the Department have strict and general accountability.

STRICT ACCOUNTABILITY

TYPE OF FORM	LOCATION	FORMAT
SC Uniform Traffic Citation Books	Records Section	Numbered Consecutively
Parking Citation Books	Records Section	Numbered Consecutively
Receipts for Copies of Reports	Records Section	Numbered Consecutively
Arrest Warrants	CID Office	Numbered Consecutively

GENERAL ACCOUNTABILITY

TYPE OF FORM	LOCATION	FORMAT
Booking Report Long & Short Forms	Records Section	Case Number
Property Report	Property Room Records Section	Log Number Case Number
Incident Reports	Records Section	Case Number
Supplemental Reports	Records Section	Case Number
Traffic Accident Reports	Records Section	Case Number
Daily Activity Reports	Records Section	Index by Date
Vehicle Inventory Reports	Records Section	Case Number
MPIC Reports	Records Section	Case Number
Budget Reports	Chief's Office	Fiscal Year

Grant Administration Reports	Chief's Office	Index by Grant
Policies and Procedures	Policy and Procedure Manual	Index Number
Memos	Records Section	Index by Date
Bond Hearing Request Forms	Municipal Judge	By Name
Juvenile Petitions	Records Section CID	Case Number
Juvenile Release Forms	Records Section	Case Number
Informant Profile Forms	CID	By Name
Confidential Fund Expenditures	CID	By Date
Stolen Vehicle Affidavits	Records Section	Case Number
Field Interview Cards	Records Section	By Name
Summons Disposition Forms	Clerk of Court	Summons Number
Directed Patrol Forms	Records Section	By Area
Security Check Request Forms	Records Section	By Area
Investigator's Case Log	Records Section CID	Case Number
Warrant Investigation Reports	Records Section	Case Number
Consent to Search Forms	Records Section	Case Number
Voluntary Statement Forms	Records Section	Case Number
Advice of Rights Forms	Records Section	Case Number
Property Tags	Property Room	Case Number
Police Vehicle Accident Reports	Records Section	By Date
Patrol Schedule Forms	Patrol Office	By Date
DOT Driver's Record Request	Records Section	Case Number
Police Equipment Inventory Forms	Chief's designee Vehicle Number	By Name Secondary

Employment Requests	Chief's Office	By Name
Ride Along Request Forms	Community Relations	By Name
Witness Summons	Patrol Office	By Name
Motorist Assist Waiver	Records Section	By Date
Employee Attendance Records	Records Section	By Name
Incident Report Requests	Records Section	By Date
Accident Report Requests	Records Section	By Date
Requests for Records Check	Records Section	By Date
Warning Tickets	Records Section	By Date
Professional Standards Reports	Chief's Office	PS Number By Year
Accreditation Reports	Accreditation Manager	Standard Number
Use of Force Reports	Chief's Office	By Date
Vehicle Pursuit Reports	Chief's Office	By Case Number

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

2.5.1

Subject

Management Information Systems

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 13

Distribution

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1

I. Purpose

To provide reliable information to be used in management decision making, such as in predicting workloads, determining manpower, preparing budgets and determining other resource needs.

II. Policy

Department employees will be aware of the importance that all data gathered, entered, collated, and evaluated be timely and accurate. Employees will take actions necessary to check for accuracy of information in reports, citations, arrests, and other sources.

III. Procedure

Administrative Reports

- A. Daily Reports - Individual officers are responsible for the preparation of their Incident Reports and Accident Reports. These reports, with the purpose of providing information on the regular operations, will be completed daily by the end of the officer's shift. They will be available for review in the Records Section and will be distributed to employees upon request.
- B. Annual Report - The Chief and his designee are responsible for the preparation of the Department's annual report. This report, with the purpose of highlighting the important accomplishments of the calendar year, should be published yearly, no later than November 30 of the following year. A copy will be distributed to the Police Commissioner, Mayor, Town Council and each supervisor within the Department with other copies available for public review upon request. Reports used for the annual report may include multi-year plans, strategic plans, crime analysis reports, and periodic workload assessments.
(Ref: CALEA 13.1.1)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

2.6.1

Subject

NCIC Management

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 81

Distribution

All Personnel

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Pages

3

I. Purpose

To enhance the development of national, state and local computerized criminal justice information systems.

To increase the probability of criminal detection and apprehension of wanted persons.

To provide a directive that governs the daily use and operation of the NCIC terminal.

II. Policy

The North Police Department will be responsible for the accuracy, timeliness, and completeness of all records entered by and for this agency. All officers will facilitate compliance with confirmation of wanted persons, vehicles or property and will assist in confirming validity of any detailed information stored in the system.

III. Procedure

A. System Operation

All NCIC/CJIS operations will be in accordance with established FBI and SLED regulations. Only certified operators will have access to and use of the terminal.

B. System Security

The data stored in the NCIC terminal is documented criminal justice information, and this information must be protected to ensure correct, legal, and efficient dissemination and use. No information will be disseminated to unauthorized persons or will be obtained for use for other than legitimate criminal justice purposes. No unauthorized persons will be allowed to view the NCIC terminal. NCIC printouts will not be left where unauthorized persons can easily view them. Copies that are no longer needed will be shredded. The door to the office where the terminal is located must be kept closed and locked whenever an authorized employee is not present or if unauthorized persons are in the immediate area.

C. Personnel Screening

Personnel who are to be trained as terminal operators must have an appropriate background investigation conducted to include submission of a fingerprint card to the FBI and SLED, a criminal history check and a wanted persons check. If any criminal record is discovered the SLED Control Terminal Officer must be notified to review the record.

D. Validation and Accuracy

The officer designated by the Chief of Police as the Terminal Agency Coordinator (TAC) is responsible to ensure the validation and accuracy of vehicle, boat, fugitive, stolen property, missing person entries, and other electronic data records entered into NCIC by or at the direction of Department personnel. The TAC will maintain records as necessary to accomplish this function.

E. Timeliness

1. A timely removal of a wanted person is the responsibility of the arresting officer, and once the arresting officer or officer receiving information that a fugitive has been arrested the officer shall immediately remove the record entry or see that it is removed.
2. Timeliness of entry, modification or removal of a missing person, vehicle, license plate, gun or article shall match the wanted person standards.

F. Ten-Minute Hit Confirmation

1. This agency will ensure that confirmation of all wants and warrants entered into NCIC by this Department is available 24 hours a day and will furnish to any agency requesting a record confirmation a response within ten minutes.
2. In order to comply with the 10-minute confirmation 24 hours a day, the Orangeburg County Sheriff's Office Communications Center will monitor the NCIC terminal and will respond to the request. If the communications center has any problems with the confirmation, the dispatcher may contact the on-duty police supervisor to assist.

G. Mobile Data Terminals

The use of the mobile data terminals will be subject to the same FBI/NCIC, SLED/CJIS and Department policies and procedures.

H. Discipline of Policy Violators

Employees who violate FBI/NCIC, SLED/CJIS or Department policies will be subject to disciplinary action as outlined in Chapter Three of this manual. Severe disciplinary action will be administered for illegal dissemination of criminal history or other NCIC/CJIS information, malicious failure to enter or clear information as directed, etc. (Ref: CALEA 81.2.9)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

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April 1, 2004

Number

2.7.1

Subject

Public Information

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April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapters 46, 54 and SC Code of Laws, Title 30

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7

I. Purpose

To establish a uniform procedure for releasing information to the news media.

To clarify areas of information that can be released, and to restrict those areas in which release of information is unlawful or prejudicial to the successful completion of an investigation or prosecution.

II. Policy

It is the policy of the North Police Department to be committed to informing the community and the news media of events within the public domain that are handled by and involve the North Police Department.

III. Procedure

A. The duties of the Chief of Police shall include the public information function of the Department. This function shall include:

1. Assisting news personnel in covering routine news stories and at the scenes of incidents;
2. Being available for on-call responses to the news media;
3. Preparing and distributing agency news releases, when opportunity for such preparation exists;
4. Arranging for, and assisting at, news conferences;
5. Coordinating and authorizing the release of information about victims, witnesses and suspects;
6. Assisting in crisis situations within the agency;

7. Coordinating and authorizing the release of information concerning confidential agency investigations and operations, subject to the provisions of section "B" of this procedure.
8. In cases where other service agencies are involved in a mutual effort the agency having primary jurisdiction will be responsible for the release of the information and all inquiries will be directed to that agency. "Service Agencies" includes law enforcement, fire department, coroner's office, etc. (Ref: CALEA 54.1.1)

- B. The Chief's designee is authorized to release information in accordance with this procedure at the scene of an incident or other fast breaking event where an agency spokesperson is required, or at any other time that the Chief of Police is not available.

Unless specifically authorized by the Chief of Police no other officer, employee or member may release any information or make any statement to the news media.

- C. Arrests and Ongoing Investigations:

1. From the initial stage of a criminal investigation until the completion of trial or disposition without trial, police personnel will:
 - a. Direct all requests for news information to the Chief of Police or the Chief's designee, in the absence of the Chief. The Chief may direct the officer personally involved in the investigation to release information within the guidelines set forth in this procedure.
 - b. Prior to arrest, the identity of a suspect is to be considered confidential and the identity will not be disclosed to the media unless:
 - (1) The identity of the suspect and his/her involvement has been established beyond a reasonable doubt and such information would assist in the apprehension of the subject.
 - (2) Such information serves to warn the public of potential danger.
2. No member of the Police Department shall pose or unnecessarily expose persons in custody, victims or witnesses to the news media for pictures or interviews.

3. From the time of arrest, issuance of a warrant, the filing of any complaint, or filing of an indictment in any criminal matter, until the completion of trial or disposition without trial, no Department member shall release or authorize the release of any extra-judicial statement for dissemination by any means of public communication concerning:
 - a. The prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the accused.
 - b. The existence or contents of any confession, admission or statement given by the accused or the refusal or failure of the accused to make any statement.
 - c. The performance or results of any examinations or the accused's refusal to submit to such examinations.
 - d. The name, address, identity, testimony, or credibility of prospective witnesses and informants.
 - e. The possibility of a guilty plea.
 - f. Opinion as to the accused's guilt or innocence, or as to the merits of the case or the evidence in the case.
 - g. The name of a juvenile under apprehension (unless the juvenile is to be tried as an adult) or of a juvenile victim.
 - h. The name of the victim of a sexual assault.
 - i. The amount of monetary loss in a robbery unless the loss is so small that the information may actually serve to deter future such crimes.
 - j. In cases involving death or serious injury the victim's identity will not be released until positively identified and the next of kin has been notified.
4. From the time of arrest, issuance of an arrest warrant, or the filing of an indictment, until the completion of trial or disposition without trial, it shall be appropriate for the Chief or Chief's designee to:
 - a. Make a factual statement of the accused's name, age, residence, occupation, sex and race.
 - b. Announce the fact of arrest, time and place of arrest, pursuit, use of weapons, resistance of arrest, and charges.
 - c. Announce the identity of the investigator and arresting officer or agency, and the duration of the investigation.

- (1) In those instances where covert operations are necessary or a need exists to protect the identity of officers involved, their identity will not be revealed.
 - (2) Under no circumstances will the home address or telephone number of an officer be disclosed.
5. In certain major cases where the safety and welfare of the victim would be jeopardized by the release of information to the news media, such as a kidnapping, victim not yet returned, no information may be released regarding the investigation in progress.

Under these circumstances, the Police Chief or Chief's designee will handle all media inquiries, disseminate factual information to the media, and seek their cooperation in withholding critical information from the public until the danger to the victim no longer reasonably exists.

6. Replying to public charges of misconduct:

Nothing in this procedure precludes the Chief of Police from replying to or repudiating charges of misconduct that are publicly made against him or other officers of the Department.

7. Releasing photographs:

- a. Of police personnel:

- (1) Under normal circumstances official photographs of police personnel may be released to the media for a specific community relations purpose; promotion of a police function or program; recognition for a meritorious act; promotion in rank; etc.
 - (2) Photographs of police personnel will not be released without approval by the Chief of Police.

- b. Of arrested persons:

- (1) Requests for photographs will be referred to the Chief of Police or, in his absence, to the Chief's designee.
 - (2) The Chief of Police or the Chief's designee, after reviewing the request, may authorize the release of a photo to the news media.
 - (3) When possible, all identifying marks or numbers will be removed from the photograph before releasing it.

c. Of victims and witnesses:

Police personnel will not release photographs of victims or witnesses. The Chief of Police may decide to release a photograph of a missing person or kidnapping victim if the release of the photo will aid in solving the case.

D. Release of Information from Department Files

1. At the direction of the Chief of Police, the Administrative Assistant/Staff Assistant or Town Clerk may make available copies of Incident and Accident Reports to any person specifically identified in the report or to their insurance company. The request form must be completed. Law enforcement officers may request any copies of reports, for official use, without charge. All other requests for reports will be made through a written Freedom of Information request to the Town Administrator.
2. Reports that are solely the result or the fruits of investigative efforts will not be released to anyone other than other law enforcement officers for official use. This includes all Supplemental Reports that list witnesses, suspects, informants, opinions, suppositions, hearsay, investigative leads, and any non-factual investigative information.
3. A reasonable fee shall be charged for obtaining copies of police reports. This fee shall be based on the number of reports and the time involved by records personnel to retrieve, collate and copy the reports.
4. At the direction of the Chief of Police, the Administrative Assistant or Town Clerk may release police blotter information to the news media, if the media do not obtain the information in another manner. This information consists of date and time of the crime, no victim names, block number only of residences, name and address of a business, and whether an arrest has been made. All blotter releases, if used, must be approved by the Chief of Police or Chief's designee.
5. The Department will comply with Freedom of Information requests as provided in SC Code of Laws 30-4-10 through 30-4-110 and any other applicable laws.

E. Incidents Involving Police Officers

1. The Chief of Police or the Chief's designee may release the names of those police personnel involved in an incident.
 - a. Prior to release, caution should be exercised to be certain of the accuracy of the information.

- b. The officer should be afforded the opportunity to notify his family, prior to the release of his name, if the report of his participation in an incident could cause them unnecessary concern.
- 2. No information concerning an incident should be released if the information would adversely affect or hamper the investigation in any way.

F. News Media Access and Other Media Concerns

- 1. The Chief of Police will determine the frequency and content of Department-generated media releases. Information shall be released to the media as soon as it becomes available, is organized and is determined by the Chief of Police or the Chief's designee to be of importance to the media. When the Chief of Police or the Chief's designee determines information should be disseminated, he/she shall make the information available to all media on an equal basis.
- 2. The senior supervisor may deny access of the news media (including photographers) to a crime scene, major fire, natural disaster, man made disaster, civil disturbance, catastrophic event or police operation when:
 - a. The owner of private property requests they be excluded.
 - b. There is a strong possibility that evidence will be damaged, tampered with or otherwise compromised, or the investigation will be hampered.
 - c. During a tactical police operation, major fire, natural or man made disaster, civil disturbance or other catastrophic event, if the media's presence would disrupt operations by placing a citizen, police officer or other public safety personnel in substantial risk of injury or loss of life.
 - d. The Chief or the Chief's designee determines if access must be restricted.
- 3. Whenever a member of the media is denied access to information or to an area pursuant to any of the provisions of this procedure, that representative will be given a courteous explanation of the reason for such denial. If and when possible, the media may be granted access later if the circumstances change.
- 4. Effective April 1, 2004, news media personnel will be involved in the development of any changes in policies and procedures relating to the news media through a review process with the Chief of Police.

(Ref: CALEA 54.1.3, 46.1.2, 46.1.3, and 46.1.4)

(Ref: CALEA 54.1.2)

G. Media Questions Regarding Department/Town Policies

All questions posed by the media concerning Department policies or procedures will be referred to the Chief of Police or in his absence the Chief's designee. No other member of this Department is authorized to issue a formal statement regarding policy. Questions regarding Town policy or procedure will be directed to the Town Administrator or the Mayor.

H. Media Questions Regarding Other Topics

From time to time the media may solicit opinions of members of the Department concerning social, political, world affairs or other non-police related issues. No member of this Department is authorized to express an official opinion or view on behalf of the Department or the Town of North. Any opinion or statement offered by any member shall not be made while acting in an official capacity or in any manner so as to represent the Department or the Town, but solely as a private citizen.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
2.7.2

Subject
Information Control-Confidentiality/Integrity

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 11

Distribution
All Personnel

Re-Evaluation
Annual

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I. Purpose

To establish guidelines for Department employees regarding the behavior and conduct, control of dissemination and distribution of information, and any other means of information dissemination, specifically concerning sensitive issue information. For purposes of this section, Department employees include but are not limited to full-time and part-time workers, agents, officers, officials, administrative employees, or other employees of the Department.

II. Policy

It is the policy of the North Police Department for employees to adhere to strict guidelines concerning the release or dissemination of information. Department employees are exposed and privy to information not afforded to others. Employees will not release information that is sensitive, brings discredit to the Department or any of its employees, Town officials, victims, witnesses, suspects, students, or any other information that is detrimental to Department or Town operations. This policy is not meant to alter or replace any other Chapters or provisions of this manual. It is the responsibility of all Department personnel to promote a positive and courteous atmosphere among the workplace as well as among the community and public when releasing information. This is specifically important in the discharge of duties for all Department operations including but not limited to responding to calls, investigating criminal activity, professional standards or assisting citizens. This policy is not meant to infringe or restrict civil rights liberties or to interfere with dissemination in accordance with the Freedom of Information Act, disseminating information based on the "Public Information" section of this manual or any other information readily accessible to the public either by statute or other means.

III. Procedure

- A. Employees will provide the utmost respect and dignity to Department employees, Town Officials, victims, witnesses, suspects, faculty, staff, students, and any other persons, when providing assistance or information.

B. Employees are prohibited from releasing or discussing any information that is privy to them solely because of their employment or their position in the Department. Sensitive issues or information shall not be discussed or any information released without the express approval of the Chief of Police. For purposes of this section, the confidential information may include but is not limited to:

1. Arrest
2. Criminal Intelligence
3. Department Radio, Telephone, Written, or other Communication
4. Disciplinary Action
5. Employee Injury/Work-Related Exposure
6. Employee Salary
7. Investigative Reports
8. Medical Records
9. Photograph/Flyer
10. Professional Standards
11. Surveillance
12. Training Files
13. Victim/Witness Information
14. Any other information that may compromise an investigation, bring discredit to the Department or Town, or that may be detrimental to Department operations

IV. Accountability

Department employees will be held to strict accountability standards concerning their discretion in the release of information. Department employees will maintain a high level of confidentiality and integrity with respect to the release of such information. Commensurate authority accompanies employee responsibility. Each employee will be held accountable for the use of delegated authority.

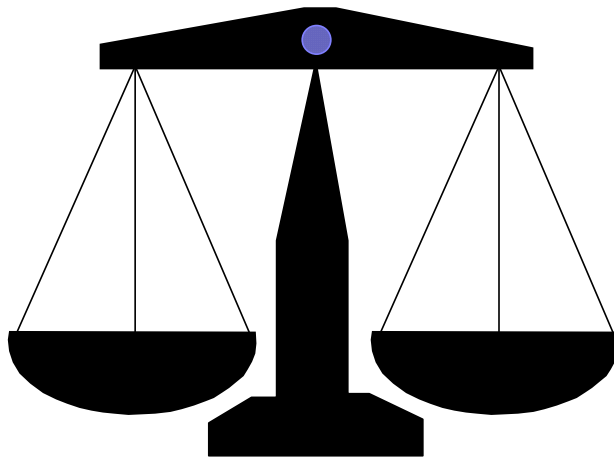
(Ref: CALEA 11.4.1, Item A & B)

Mark P. Fallaw
Chief of Police

Date

North Police Department

North, South Carolina



"An Effective and Efficient Agency"

Policy and Procedure Manual

Chapter 3- Personnel Management

Mark P. Fallaw
Chief of Police

Chapter 3- Personnel Management

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North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

3.1.1

Subject

**Compensation, Benefits and
Conditions of Employment**

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 22

Distribution

All Personnel

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14

I. Purpose

To set forth the compensation schedule, benefits and conditions of work for employees of the North Police Department.

II. Policy

It is the policy of the North Police Department to provide a compensation and benefit package that will attract and retain qualified personnel, offer advancement and promotional incentives, reward exceptional performance, and ensure professional policies within the guidelines of the Town of North Personnel Policies.

III. Procedure

A. Compensation

The Salary Plan, set forth by the Town of North Personnel Policy, is based upon the Town's Grade Classification Plan. It provides for:

1. Entry Level Salary

Each new employee shall be placed at the minimum step that has been established for the classification in which he/she is employed. The initial classification for uncertified officers is Grade 7. Certified officers initially enter the Grade Classification Plan at Grade 8. The Chief of Police has the authority to hire new officers at up to 10% above either grade as deemed appropriate.

(Ref: CALEA 22.1.1, Item A)

2. Salary Differential Within Ranks

Merit increases may be given to employees who have shown good job performance during the past year and have been instrumental in the North Police Department achieving its objectives.

(Ref: CALEA 22.1.1, Item B)

3. Salary Differential Between Ranks

a. Differentials between ranks are determined by the separation between classification grades as part of the Town of North Grade Classification Plan.

b. Employees promoted or upgraded from one grade classification to another will be placed at the same salary level within the new classification. Upon recommendation of the Chief of Police, an additional increase may be requested subject to approval by the Mayor. (Ref: CALEA 22.1.1, Item C)

4. Overtime

a. In accordance with Town Policy, overtime for police personnel in a non-exempt status is to commence after 43 hours in a one-week cycle. Approved overtime is repaid to the officer as flextime or compensatory time. Every effort will be made to flex the time within the same pay period but is given at the discretion of the Chief of Police.

b. Unless otherwise approved by the Chief of Police, compensatory time must be used within the pay period it was earned or no later than the end of the following pay period.

(Ref: CALEA 22.1.1, Item E)

5. Salary Augmentation/Special Skills

The North Police Department does not pay salary augmentation or special skills pay. (Ref: CALEA 22.1.1, Items D and G)

B. Benefits

(Reference Town of North Personnel Policy Manual) The following benefits are available to all employees of the Town of North:

1. Administrative Leave

Leave With and Without Pay: Town employees may be granted leave without pay for extended illness, required military service, study or training that will benefit the Town or for other reasons considered to be in the best interest of the Town. Such leave shall not exceed one

year. Employees on leaves of absence without pay do not continue to accrue sick leave and annual leave. The Town may at its discretion on a case-by-case basis, grant employees leave with pay in instances where it is a benefit to the Town. The Chief of Police may, at his discretion, place any employee on Administrative Leave, with or without pay, pending the outcome of any Professional Standards investigation. (Ref: CALEA 22.2.1, Item A)

2. Jury Duty

All full-time employees are eligible for jury duty pay. Eligibility commences on the first day of active employment. If an employee is called for jury duty and serves as a juror on a regular working day or days, he/she will receive pay for the actual time lost from work by reason of such service.

When called for jury duty, the employee must show the summons to the supervisor prior to the date of service so that authorization and plans for the absence can be made. Failure to advise a supervisor in advance may be cause for the employee not to receive jury duty pay. In addition, the employee must complete a leave request form.

When released from jury duty for any day, the employee will be expected to return to work for that day. If released from jury duty before the regularly scheduled lunch period, an employee is required to return to work.

Absence of a Town employee to appear in private litigation will be charged to annual leave or leave without pay. (Ref: CALEA 22.2.1, Item A)

3. Military Leave

In accordance with the South Carolina State Law, all full-time employees who are members of the South Carolina National Guard or any reserve unit of the United States Armed Forces shall be entitled to military leave without loss of pay, efficiency rating, or other benefits for up to 15 work days in any one calendar year so that they may participate in training or other such duties ordered by the appropriate authority. In addition, if these employees are ordered by the appropriate authority to serve during an emergency, they shall be entitled to such leave of absence not exceeding 30 additional workdays. Employees on military leave will receive their full normal salary.

An employee going on military leave shall provide notice to the Chief of Police at least two weeks prior to the scheduled leave. (Also refer to the National Guard/Military Service Section 3.12.1). (Ref: CALEA 22.2.1, Item A)

4. Maternity Leave

An employee shall report her condition to her immediate supervisor as soon as possible. The employee is entitled to use her personal leave if she desires to do so. If all her personal leave is used before the leave period is over, then the remainder of her leave will be without pay.

The employee's physician has the discretion to determine when leave begins and ends. If the employee desires to have a leave period different from the one suggested by her physician, then the Town Administrator and Mayor shall study the request and render a decision.

When she returns to work, the Town will make every effort to place the employee in her same job. If that is not possible, then the Town will attempt to place the employee in a job of equal standing.

5. Holiday Leave

The following shall be observed as official holidays for the employees of the Town of North:

New Year's Day	January 1st
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Thanksgiving Day and the day after	Fourth Thursday and Friday in November
Christmas Eve, Christmas Day and the day after	December 24, 25 and 26
Floating (Martin Luther King's Birthday, Lincoln's Birthday, Washington's Birthday, Columbus Day, Veteran's Day, or the Employee's Birthday)	Employee selects one

If a full-time employee must work on one of these holidays, he/she shall receive time off at an equal rate of the time worked. Where one of these holidays falls on an employee's regularly assigned day off, he/she shall receive another day off as compensation. In all cases, the Chief of Police shall attempt to arrange working schedules to permit other time off at the equal rate that the time was earned.

Normally, a holiday falling on Saturday shall be observed on Friday, and a holiday on Sunday shall be observed on Monday.

A maximum accumulation of holiday time shall be limited to that time (11 holidays) that an employee may accrue during one calendar year. Any accumulation above that number shall be lost if not taken in 30 days of the end of the calendar year in which it was accrued.

In cases where holiday time is accumulated due to extraordinary circumstances that were necessary in the public safety and service interest of the Town, a 30 day extension shall be requested, in writing, by the employee to the Chief of Police. The Chief of Police must forward such request to the Mayor and is subject to the approval of the Mayor. If approved, the employee must use the excess holiday time within the specified time period not to exceed 30 days. However, if the time is accrued in the last quarter (i.e., October - December) of the calendar year, the employee will have until the end of the first quarter (January - March) of the calendar year to take it. Failure to follow this policy will result in the loss of any excess accumulation of holiday time.

(Ref: CALEA 22.2.1, Item B)

6. Sick and Family Leave

Sick leave with pay will be granted to a Town employee in case of personal illness, bodily injury, required physical or dental examination or treatment on account of illness or disability, or exposure to contagious diseases when continuing work might affect the health of others. Family leave benefits are granted for a serious illness, disability, or death in the employee's immediate family.

The employee's immediate family shall mean spouse, offspring, parents, brother, sister, grandparents and immediate family in-laws. Family leave for immediate family shall be limited to three consecutive working days. Under exceptional circumstances, the Chief of Police may request additional time for paid family leave. The Mayor must approve the request.

Each employee must submit a written report indicating specifically whether the leave benefit claimed is for sick leave or family leave.

The Chief of Police must be notified as soon as practical after such absence begins but normally in no case longer than 24 hours. The Chief of Police may require an employee to furnish a physician's certificate if such action is deemed necessary to controlling the use of sick leave.

The use of sick and family leave is designed to help safeguard employee health and morale; but it must be remembered that this leave is a privilege, not a right that an employee may use as he/she pleases. The abuse of sick and family leave is grounds for dismissal.

a. Rate of Earnings

Employees earn sick leave and family leave at a rate of one day for each month worked. The maximum accrued leave shall not exceed 180 days.

Although sick leave and family leave accrual begins from the date the employee starts to work, the employee is not eligible to use it until after the completion of six months of continuous service, except on special permission of the Chief of Police with the approval of the Mayor.

Employees shall not be paid for unused sick leave and family leave. In addition, sick and family leave credit may not be transferred from one employee to another.

Part-time employees who are scheduled to work less than one-half the normal work week and employees hired to fill temporary or seasonal positions shall not earn nor be paid for sick leave.

Employees on full-time leave without pay for more than ten consecutive days shall not earn credit for paid sick leave while in leave status.

b. Use of Sick Leave

Sick leave will be charged in units of whole hours or whole days and shall not be counted as hours worked for the purpose of computing overtime. Employees who are officially placed on leave without pay status may continue their coverage under the Town group hospitalization program provided the employee pays the cost of the total insurance premium at the beginning of each month to the Town of North.

Sick leave may be paid when an employee is unable to work due to personal illness or injury, or when the employee's presence may endanger the health of fellow workers.

Sick leave may be taken for medical and dental appointments.

c. Bereavement

In case of death in an employee's immediate family, the Mayor may authorize up to three working days leave with pay to attend the funeral and attend to the necessary arrangements. Such leave shall be charged against the employee's sick leave credits. For the purpose of this section, the immediate family shall include spouse, mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, and granddaughter.

When a paid holiday occurs during the period an employee is on sick leave with pay, the employee shall receive only his/her regular holiday pay, and that day shall not be charged against leave earnings.

d. Payment of Sick and Family Leave

In order to be eligible for sick leave with pay, an employee must:

- (1) Report to his/her supervisor, within 60 minutes of the scheduled starting time, the reason for the absence. An employee who fails to notify his/her supervisor may not be paid for the day(s) taken prior to notification.
- (2) If the absence extends beyond three working days, keep his/her supervisor advised as to his/her condition and anticipated date of return.
- (3) Submit a statement from the attending physician as to the nature and duration of the illness, if requested. The Town reserves the right to require an examination by a physician selected by the Town to verify the employee's condition.

Upon leaving Town employment, for whatever reason, an employee will not be reimbursed for unused sick leave.

e. Long-Term Illness - Returning to Work

The position held by an employee may be held open while he/she is on an extended medical leave by redistributing the work among the other employees in the Department or by filling the position on a temporary basis, if possible. If it becomes necessary to fill the position on a regular basis in order to ensure continued smooth operation of the Department and maintain a high level of quality in the delivery of services to the citizens of the Town of North, the employee shall be notified immediately and assured that every effort will be made to place him/her in a position of like status and pay when he/she is able to return to work.

If an employee is unable to return to work on the date established for his/her return to duty, he/she shall notify his/her supervisor as far in advance as possible. An employee who fails to notify his/her supervisor may be terminated.

The Town reserves the right to require a statement from the employee's attending physician to the effect that the employee is able to resume his/her normal duties before allowing the employee to return to work.

The Town reserves the right to require an examination by a physician selected by the Town to verify the employee's condition before allowing the employee to return to work.

(Ref: CALEA 22.2.1, Item C)

7. Annual (Vacation) Leave

a. Rate of Earnings

Each regular employee shall earn paid annual leave. While on probationary status, employees may accumulate but may not take annual leave.

The amount of annual leave that an employee may earn each month shall be based on the number of hours the employee is regularly scheduled to work during the five-day pay period.

Less than ten years service:

<u>Hours scheduled per payroll period</u>	<u>Hours earned per month</u>
43	4.3

Ten years of service, but less than fifteen years of service:

<u>Hours scheduled per payroll period</u>	<u>Hours earned per month</u>
43	6.5

Fifteen or more years of service:

<u>Hours scheduled per payroll period</u>	<u>Hours earned per month</u>
43	9.0

The number of hours an employee is allowed to carry forward is also dependent on the number of hours the employee is normally scheduled to work during the 14 day payroll period:

<u>Hours scheduled per payroll period</u>	<u>Maximum hours carried forward</u>
43	120

b. Use of Annual Leave

Annual leave will be charged in units of whole hours. Annual leave shall not be counted as hours worked for the purpose of computing overtime.

Except in the case of an emergency, all annual leave must be approved in advance by the employee's supervisor. Whenever possible, an employee wishing to take more than four hours of annual leave should request approval at least one week in advance.

The Chief of Police must approve the time for annual leave, so that the workload of the Department may be properly scheduled.

Whenever possible, employees will be allowed to take paid annual leave at times most convenient to them. However, the Town reserves the right to limit an employee's annual leave to two consecutive workweeks at any one period. Although not encouraged, employees may take more than two consecutive weeks of annual leave with the prior written approval of the Chief of Police. The supervisor may limit the number of employees that are absent from the Department at any time.

When a paid holiday is observed by the Town during the period an employee is on annual leave, the employee shall receive only his/her regular holiday credit, and that day shall not be charged against the employee's annual leave earnings.

c. Accrual of Annual Leave

The date of employment shall be the basis for determining the accrual of annual leave.

At the completion of 1 year of service, an employee may be paid for unused annual leave upon separation from Town employment. In the event an employee is dismissed for cause, the Town may withhold payment for unused annual leave.

(Ref: CALEA 22.2.1, Item D)

8. Retirement

All full-time sworn officers are required to join the South Carolina Police Retirement System as a condition of employment.

All full-time non-sworn employees are required to join the South Carolina Retirement System.

All applications for retirement must be made in compliance with the rules of the South Carolina Police Retirement System or South Carolina Retirement System.

Members of the SC Police Retirement System may retire one of the following ways:

- a. Full benefits with 25 years of service, or
- b. Full benefits at age 55 with 5 years of service.

Members of the SC Retirement System may retire one of the following ways:

- a. Unreduced benefits at age 65;
- b. Unreduced benefits with 30 years of service;
- c. Reduced benefits at age 60; or
- d. Reduced benefits at age 55 with 25 years of service.

For more information contact:

SC Police Retirement System
SC Retirement System

803.734.1660
803.737.6800

(Ref: CALEA 22.2.2)

9. Health Insurance

The Town of North provides group health and life insurance for each Town employee. If the employee elects to receive additional life insurance or extended family coverage, the cost will be borne by the employee and deducted from the individual's pay.

Insurance coverage is reviewed periodically by the Town Council to ensure proper coverage is offered. (Ref: CALEA 22.2.3)

10. Disability/Death

The SC Workers Compensation Commission covers all employees for injury, disability or death occurring in the line of duty. Injuries must be promptly reported to the employee's supervisor who must complete a first report of injury report. This report is immediately forwarded to the Chief of Police.

Sworn employees are covered in the event of death or permanent disability under the South Carolina Police Retirement System with benefits including:

- a. One Year's Salary Death Benefit
- b. Partial and Total Disability Retirement

Non-sworn employees are covered in a similar manner by the South Carolina Retirement System based on the number of years of service credit.

Life insurance coverage offered by the Town of North provides a \$15,000 death benefit.

The Federal Public Safety Officers Death Benefits Act provides a \$100,000 death benefit to the family of an officer who is killed in the line of duty. This benefit is administered by the Public Safety Officers Benefits Program, Bureau of Justice Assistance, 633 Indiana Avenue NW, Washington, D.C., (202) 307-0635.

The Federal government also provides workers' compensation benefits to state and local officers or their survivors in order that the workers' compensation benefits received from state and local sources not be less than those received by Federal officers. Form CA-722 must be completed in order to apply for the benefits and is available from the U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs at (202) 724-0703.

The SC Law Enforcement Officers Association provides a \$5,000 death benefit to the family of a member officer who is killed in the line of duty. Phone (803) 781-5913.

South Carolina Code of Law provides that the children of a law enforcement officer killed in the line of duty may attend any state-supported college in South Carolina tuition free.

Additional benefits are available through the Social Security Commission. The phone number is 1-800-772-1213. Military veterans may have benefits available through the Veterans Administration at (803) 765-5861. (Ref: CALEA 22.2.4)

11. Liability Protection

- a. The Town of North participates in the South Carolina Insurance Reserve Fund, which protects the Town and the members of the Police Department from actions or omissions directly related to their law enforcement function, leading to personal injury, death or property destruction, which could lead to civil action against the Town or its employees.
- b. Legal defense to any civil action brought against a member of the Police Department, as a result of his/her official actions, is provided through the Town Attorney and/or the legal staff retained by the South Carolina Insurance Reserve Fund. (Ref: CALEA 22.2.6)

12. Provision of Equipment/Clothing Allowance

- a. All necessary equipment to perform duties as an officer of the North Police Department is provided to employees, as outlined in Department Procedure for Equipment and Appearance in Chapter 1 of this manual.
- b. Officers serving in positions that require the purchase of civilian clothing will be provided with a clothing allowance. (Ref: CALEA 22.2.7)

13. Employee Educational Benefits

- a. To encourage officers to attain a college degree from an accredited institution, tuition reimbursement or advance is offered if funding is available. Preference is given to those officers who currently do not have a degree.

- b. Educational benefits may be available to employees actively seeking a degree in Criminal Justice or other degree major applicable to law enforcement as determined by the Chief of Police. All requests for educational benefits must be presented to and approved by the Chief of Police and forwarded to the Mayor for approval. Approvals will be made on a semester-by-semester basis, and as funding permits.
- c. Officers must successfully complete the course with a grade average of 3.0 or higher. Failure to do so will result in no reimbursement or repayment of any advance.
- d. Officers must present the Chief of Police with a copy of the receipt of payment to the college and a copy of the officer's grade(s) at the end of the semester.
- e. Supervisors and employees will work together to make reasonable scheduling adjustments and accommodation for employees attending college under these provisions.

(Ref: CALEA 22.2.8)

14. Physical Examinations/Conditioning

- a. All prospective employees of the Department are required to pass a physical examination conducted by a licensed physician designated by the Town. In addition, pre-employment drug screening will be conducted by SCDHEC or another agency of the Department's discretion at no cost to the prospective employee.
- b. The Chief of Police may, when deemed to be in the best interest of the employee or the Department, require an employee to submit to physical examination by a physician designated by the Town. The Department will pay the cost of any such examination.
- c. All sworn personnel are required to meet the minimum physical fitness standards of the South Carolina Criminal Justice Academy to receive initial certification training at the Academy.

- d. Employees are expected to maintain their physical conditioning in such a manner that will maintain the ability to perform the functions of employment. (Ref: CALEA 22.3.1 and 22.3.2)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
3.2.1

Subject
Recruitment

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 31

Distribution
All Personnel

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Annual

Pages
3

I. Purpose

To recruit, select, and maintain the highest caliber of police officer available for the Town of North.

To establish fair and impartial recruitment practices that do not discriminate on the basis of sex, age, race, religion, ethnic origin, or physical disability.

To manifest positive recruitment practices that result in lower rates of personnel turnover, fewer disciplinary problems, higher morale, better community relations, and more efficient police service.

II. Policy

The Town of North and the North Police Department shall be Equal Opportunity Employers, and shall maintain policies and procedures to ensure this result.

The North Police Department actively participates in the implementation of its recruitment program. The Chief of Police shall notify the Town Personnel Officer immediately upon learning that a vacancy or a new position will occur. The Chief of Police, in connection with the Personnel Officer, will then take those steps necessary to attract qualified applicants. (Ref: CALEA 31.1.1)

In order to eliminate duplication of effort in recruiting qualified applicants and to ensure that all potential applicants within a reasonable area have an opportunity to learn of vacancies within Town service, it shall be the policy of the Town of North that the Chief of Police shall consult with the Town Clerk who is duly authorized to expend funds for the advertisement of vacancies or for any other purpose related to the recruitment of applicants.

III. Procedure

A. The Chief of Police, the Chief's designee, and all other personnel assigned to recruitment activities will maintain knowledge of personnel matters, especially Equal Employment Opportunity/Affirmative Action as it affects the management and operations of the agency. Among the knowledge and skills to be maintained are:

1. North Police Department's recruitment needs and commitments.
2. Career opportunities, salaries, benefits and training.
3. Federal and State compliance guidelines.
4. The community and its needs (including demographic data, community organizations, educational institutions, etc.)
5. Cultural awareness of different ethnic groups in the community.
6. Techniques of informal record keeping systems for candidate tracking.
7. The selection process, including procedures involving background investigations and written, oral and physical examinations.
8. Recruitment programs of other jurisdictions.
9. Characteristics that disqualify candidates, and
10. Medical requirements (within Americans with Disabilities Act guidelines).

(Ref: CALEA 31.2.2)

B. Equal Employment Opportunity (EEO) Plan

1. The Town of North policy concerning Equal Employment Opportunity is stated in the Town's Personnel Policy Manual. It is the practice of the Town to recruit, hire, train, and promote employees without discrimination because of race, religion, color, political affiliation, physical disability, national origin, sex or age, except where a bonafide occupational qualification exists.
2. Equal Employment Opportunity Complaints. Personnel with EEO concerns may contact the Chief of Police to voice any complaints. If the employee feels the Chief of Police fails to adequately address those complaints, the employee may contact the Mayor. The Mayor will either take corrective action or present the matter to the Town Council for final disposition.

3. All advertisements for job vacancies will note that the North Police Department is an Equal Employment Opportunity employer. Applications are provided at an easily accessible location--the North Police Department. (Ref: CALEA 31.2.3)

C. Job Announcements and Publicity

1. Announcements for job vacancies shall include a description of the duties, responsibilities, requisite skills, educational level, and physical requirements for the position to be filled. (Ref: CALEA 31.3.1, Item A)
2. Entry level job vacancies shall be advertised through the mass media, when needed. The North Police Department will be advertised as an Equal Opportunity Employer on all employment applications and recruitment advertisements. (Ref: CALEA 31.3.1, Items B and C)
3. All official application filing deadlines, if any, will be clearly advertised. (Ref: CALEA 31.3.1, Item D)
4. The Department will seek permission to post job announcements with community service organizations. (Ref: CALEA 31.3.2)

- D. The Chief's designee shall ensure that applicants are apprised of their status in the recruitment and selection process from the time of initial application to final employment disposition. All applications will be acknowledged within five working days of their submission and the applicants will be informed of the selection process. Applicants will also be notified if they are not selected for employment. (Ref: CALEA 31.3.3)

- E. Applications that possess omissions or deficiencies that can be corrected prior to the testing or interview process shall not be rejected solely for such omission or deficiency, but the applicant will be required to fully complete the application prior to the next selection process. (Ref: CALEA 31.3.4)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
3.3.1

Subject
Selection

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 32

Distribution
All Personnel

Re-Evaluation
Annual

Pages
4

I. Purpose

To develop an efficient, effective, and fair selection process that results in the appointment of those individuals who best possess the skills, knowledge, and abilities necessary for an effective, respected law enforcement agency.

II. Policy

The North Police Department is committed to hiring the best-qualified candidates. Each applicant selected will be chosen on the basis of merit criteria and must possess the minimum qualifications of the position.

III. Procedure

A. Selection Procedure

The North Police Department maintains a selection procedure on file in the Chief of Police's office. The Chief maintains records, delineates procedures and defines processes in which candidates must achieve.

(Ref: CALEA 32.1.1)

B. Rating Criteria and Minimum Qualifications

All candidates are evaluated by a selection process that measures traits or characteristics that are a significant part of the job. The entry-level job description (Police Officer) is used to develop questions for the Employment Interview Board. Candidates must meet minimum eligibility requirements and complete successful selection by the Employment Interview Board. The Board uses applicant questions to determine the suitability of the applicant.

(Ref: CALEA 32.1.2)

C. Uniform Application

The selection process is comprised of many elements. All candidates are asked the same questions and rated on the same criteria during the Employment Interview Boards. If the Chief of Police extends a conditional offer of employment, the candidate(s) must then successfully complete a psychological examination, medical exam/physical fitness assessment, drug screening, and final completion of the background investigation. All elements of the selection process are administered, scored, evaluated, and interpreted in a uniform manner. (Ref: CALEA 32.1.3)

D. Selection Process Information

The Chief or his designee will acknowledge receipt of all employment applications within five working days of their submission. A letter will be mailed to all applicants explaining the elements of the selection process and the expected duration of the process. A non-selection letter describes the North Police Department's policy on reapplication and re-evaluation of candidates not appointed. (Ref: CALEA 32.1.4)

E. Notification of Ineligible Candidates

Candidates not eligible for appointment to probationary status and candidates not appointed on the basis of a single test, examination, interview, or investigation will be informed in writing. The Chief of Police will make these notifications within 30 days. (Ref: CALEA 32.1.5)

F. Disposition of Records

1. A record of all candidates, including those not appointed to probationary status, is maintained in the form of an applicant Tracking Record. All other records of the candidate are destroyed when no longer needed. The Tracking Record includes the names and addresses of candidates. The Chief of Police maintains the Tracking Record.
2. The Town of North and the North Police Department will comply with all Federal, State, and local requirements for the privacy, security, and access to information of all candidates' records and data. (Ref: CALEA 32.1.6)

G. Selection Material Security

Selection materials used by the Police Department are stored in a secure file in the office of the Police Chief when not in use. Access to the materials is limited to Town and Police Department personnel directly involved in administering the selection process. Selection materials will be shredded when disposal is necessary. (Ref: CALEA 32.1.7)

H. Background Investigations

1. A background investigation of each candidate is conducted prior to appointment to probationary status. The background investigation entails a thorough investigation of the applicants work history, character and other factors determined by the Chief of Police. Additionally, qualification includes verification of qualifying credentials (minimum age of 21, high school graduate and satisfactory credit check); a review of any criminal record; a review of the driving record; and verification of at least three personal references.
(Ref: CALEA 32.2.1)
2. All background investigations are conducted only by sworn officers who are trained in collecting required information. This training is conducted by the SC Department of Public Safety, Criminal Justice Academy Division.
(Ref: CALEA 32.2.2)
3. The records of each candidate's background investigation are maintained on file in a secure area in the office of Chief of Police for a minimum of three years.
(Ref: CALEA 32.2.3)

I. Medical Examination

A licensed physician conducts a medical examination of each candidate after a conditional offer of probationary status is extended. This examination will certify the general health of each candidate and identify any pre-existing medical conditions. The employee is responsible for payment of this examination. A drug screening is conducted by the SC Department of Health and Environmental Control or at another qualified medical facility of the Department's selection and is at the expense of the Police Department.

(Ref: CALEA 32.2.7)

J. Psychological Examination

An emotional stability and psychological fitness examination of each candidate is conducted prior to appointment to probationary status. This examination is administered and assessed by a qualified professional using services through the South Carolina Police Chiefs Association and is at the North Police Department's expense.

(Ref: CALEA 32.2.8)

K. Medical and Psychological Examination Records

A record of the results of the medical examination and psychological fitness examination is maintained on file. After review by the Chief of Police, these records are stored in a secure file in the Chief's office. Access is restricted to those persons legally entitled to review these records on a need to know basis.

(Ref: CALEA 32.2.9)

L. Probationary Period

1. All entry-level sworn and civilian personnel must successfully complete a six-month probationary period before being granted regular status.
2. Probationary status for sworn personnel begins at such time as they are certified in basic training at the South Carolina Criminal Justice Academy.
3. Sworn personnel are required to complete the Field Training Officer (FTO) program before being granted regular status, even if the time period involved is longer than six months.

(Ref: CALEA 32.2.10)

M. Polygraph Examinations and Instruments for Detection of Deception

Polygraph examinations and similar tests may be required for use in the selection process.

(Ref: CALEA 32.2.6)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
3.4.1

Subject
Promotion

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 34

Distribution
All Personnel

Re-Evaluation
Annual

Pages
6

I. Purpose

To identify employees who have the potential skills, knowledge, and abilities for promotion to and performance in a higher rank classification when a promotional opportunity exists.

II. Policy

Promotion shall be based on job-related, fair, and non-discriminatory procedures for all employees.

III. Procedure

A. Department Role in Promotion

1. The Department, through the Chief of Police, retains the right to administer all phases of the promotional process, as well as the development of the measurements that will be used to determine the knowledge, skills, and abilities of promotional candidates.
2. The Chief of Police shall select assessors, when used, and shall make the final decision regarding promotions and probationary status.

(Ref: CALEA 34.1.1)

B. Administering the Promotional Process

The Chief of Police is vested with the authority and responsibility for administering the promotion process, oral interviews and probationary periods.

(Ref: CALEA 34.1.2)

C. Promotion Process Procedures

1. Previous Performance Appraisal Reports are used by the Chief to evaluate the promotional potential of candidates. The ratings and comments are reviewed and considered by the Chief when determining promotion potential. (Ref: CALEA 34.1.3, Item A)
2. If Written Tests Are Administered
 - a. If written tests are used they may be essay, multiple choice, true or false, "fill-in" of blanks, or any combination of the above. These written tests may be designed by the Chief of Police, or may be purchased from a commercial source.
 - b. In the absence of any other criteria specified in advance, the passing score of written promotional tests will be 70%. There will be no cut-off scores to take additional portions of tests, but written test scores will be taken into account along with any other scores (such as oral interview scores, performance tests, etc.) to arrive at an overall score.
 - c. Essay tests, if used, will be graded by using a "blind" grading process. The evaluators grading the test will not know the identity of the person who completed the test.
 - d. The specific weight of written tests, if used, shall be determined by the Chief of Police and shall be announced in advance. (Ref: CALEA 34.1.3, Item B)
3. Assessment Centers
 - a. The Department uses assessment centers to measure dimensions, attributes, characteristics, qualities, skills, abilities, and knowledge.
 - b. The assessment center uses multiple assessors who are trained prior to participating in the center. Multiple assessment techniques, including simulation, are used.
 - c. The assessment center uses simulation exercises that provide reliable, objective, and relevant information and are job-related.
 - d. Decisions and judgements reached as a result of the outcomes of the assessment center are based on pooled information from the assessors. The assessor's overall evaluations of behavior are made at the time of the observation of behavior during the exercises.

- e. The Department will provide candidates with the dimensions to be evaluated in a written promotion announcement.
(Ref: CALEA 34.1.3, Item C)

4. Conducting Oral Interviews Prior to Appointment to Probationary Status

- a. A structured interview is part of the assessment center process.
- b. The Chief of Police interviews all candidates prior to appointment to probationary status.
(Ref: CALEA 34.1.3, Item D)

5. Review and Appeal Process

Employees are permitted to review and appeal adverse decisions concerning their eligibility for appointment to promotional vacancies. Procedures for the review and appeal of adverse decisions are as follows:

- a. All candidates are permitted to review the questions and answer key to any written examination, if used. Any questions or comments by the candidate must be made in writing and shall be answered by the Chief of Police.
- b. All candidates are permitted to review the written results of each of the scored elements of the selection process of any of their own work product. They shall not be permitted to examine the papers or tests of other candidates. Examination and review must take place within one week after notification of the promotional results, during regular office hours and under the supervision of the Chief of Police.
- c. Any of the promotional procedures or portions of the procedures may be appealed through the Department's appeals procedures as outlined in the Employee-Management Conflict Resolution section of this manual.

6. Sustained or Successful Appeals

If a candidate is successful in his/her appeal of a portion of the promotional process, the following general guidelines for remedy will be applied:

- a. If the appeal is sustained on an error on a score that may be corrected, (i.e., an error on a mathematical calculation) the scores of all persons tested will be examined for accuracy, scores corrected as needed, recalculations made, and lists corrected, if needed.

- b. If the appeal is sustained on an uncorrectable error that only affects a small portion of one particular test, (such as one or two questions on a written test), that portion affected by the appeal will be eliminated, all scores recalculated, and promotion lists corrected, if needed.
- c. If the appeal is sustained on an uncorrectable error that affects a major portion of a particular test, the Chief of Police will make a determination of one of the following:
 - (1) If the Chief of Police is of the opinion that the overall test battery is still valid without the appealed test, the single promotional test will be eliminated, all scores recalculated, and promotion lists corrected, if necessary.
 - (2) If the Chief of Police is of the opinion that the overall test battery is no longer valid without the appealed test, all test scores will be eliminated and the entire battery of tests will be re-scheduled and re-administered.
(Ref: CALEA 34.1.3, Item E)

7. Procedures for Reapplication, Re-testing, and/or Reevaluation

- a. Employees failing to meet eligibility due to length of service shall be permitted to apply for the first available promotional process occurring after the requisite length of service is met.
- b. Other candidates who were not promoted are eligible to participate in the next available promotional process.
(Ref: CALEA 34.1.3, Item F)

8. Promotional Eligibility for Vacancies Where Lateral Entry is Permitted

Lateral entry for supervisory positions below the rank of Chief of Police will be permitted to the North Police Department by the Chief of Police, but only after exhausting internal resources. The Town Council may decide to allow lateral entry to the position of Chief of Police using specifications that the Council deems appropriate.
(Ref: CALEA 34.1.3, Item G)

D. Job Related and Nondiscriminatory Procedures

The promotional process used by the Department as a whole and its individual components shall be job related and nondiscriminatory. Refer to the Department's assessment center manuals for a description of the job relatedness of the various dimensions measured in the assessment centers.

(Ref: CALEA 34.1.4)

E. Announcing Promotional Opportunities

Whenever vacancies exist in supervisory positions and a decision to fill the position(s) is made, a written announcement will be posted and distributed to all affected employees. This announcement will include:

1. A description of the positions or job classifications for which vacancies exist;
2. A schedule of dates, times, and locations of all elements of the process;
3. A description of eligibility requirements;
4. A description of the assessment center used in selecting personnel for the vacancies.

(Ref: CALEA 34.1.5)

F. Development of Eligibility Lists

The Chief of Police establishes criteria and procedures for developing eligibility lists for promotional purposes. These criteria and procedures are as follows:

1. Numerical weights will not be used or assigned to eligibility requirements.
2. Ranking of candidates on the eligibility list shall follow the order of highest to lowest scores earned by candidates at the conclusion of the assessment center and as determined by assessors. Should a tie occur in ranking the candidates, senior in time in grade at the present rank will be given the higher order.
3. Time in grade and/or time in rank eligibility requirements shall be those outlined in the applicable job description.
4. The duration of the eligibility list shall be no more than six months from its date of posting as determined by the Chief of Police.

(Ref: CALEA 34.1.6, Item A)

(Ref: CALEA 34.1.6, Item B)

(Ref: CALEA 34.1.6, Item C)

(Ref: CALEA 34.1.6, Item D)

5. The Chief of Police will select names from the list in no particular order.
(Ref: CALEA 34.1.6, Item E)

G. Probationary Period for Promotions

A six-month probationary period is required of all employees who are promoted. Unsatisfactory performance shall be identified and corrected early through counseling, training, and other suitable personnel actions to safeguard against the promotion of employees beyond their capabilities.

(Ref: CALEA 34.1.7)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
3.5.1

Subject
Performance Evaluations

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 35

Distribution
All Personnel

Re-Evaluation
Annual

Pages
5

I. Purpose

To outline fair and impartial methods of evaluating the work behaviors and job performance of North Police Department employees.

To assure the public that employees of the North Police Department are qualified to provide effective and efficient police services.

To ensure optimum job performance and eliminate inappropriate behavior.

II. Policy

It is the policy of the North Police Department to ensure a fair and impartial evaluation of all employees' on-the-job performance of assigned duties.

III. Procedure

A. Measurement Definitions

1. Exceeds Requirements - Performance exceeds job requirements. Significantly and consistently performs at a level above that expected.
2. Satisfactory - Performance meets job requirements.
3. Unsatisfactory - Performance is unacceptable. Does not meet job requirements. (Ref: CALEA 35.1.1, Item A)

B. Procedures for Use of Forms

1. Performance Appraisal Forms (PAF)

- a. The cover of the PAF contains personal information including the name of the employee, the date, the employee's job title, the name of the supervisor completing the rating form, the length of time this supervisor has supervised the employee, the type of evaluation and the date and signatures from the initial employee/supervisor planning session.
- b. Section I of the PAF contains the specific job duties and standards to be rated as determined by the supervisor and employee at the initial planning session. These are based on the job description. It also contains the justification for each rating given.
- c. Section II of the PAF contains the work characteristics as they relate to the employee's ability to perform the duties of the job. These characteristics are weighted by the supervisor as "Important," "Very Important," or "Not Applicable." A comment section is provided for the rater to support the rating given. Section II A "Management Skills" is also used when supervisors are being rated.
- d. Section III of the PAF contains overall ratings of the employee's job performance based on the ratings in Sections II and I.
- e. Section IV of the PAF contains information on training and career development recommendations, an implementation plan addressing these needs and any changes to the employee's job duties, standards, or work characteristics for the next appraisal period.
- f. Section V of the PAF contains the certification, which records the signatures of the rater, the rated officer, the Chief's designee, and the Chief of Police. There is a section provided for the employee's comments.

2. Quarterly Progress Report Form

- a. A Quarterly Report Form is completed at the end of each of the first three quarters of the rating period to inform an employee of strengths or weaknesses in job performance, to motivate improvement in job performance and to record commendations of good work.

- b. A Quarterly Report shall be signed by the supervisor completing the form and the employee. A copy of the form may be provided to the employee. The Quarterly Reports will be filed with the Performance Appraisal Form and will be used by the rater to assist in completing the Performance Appraisal Form.
(Ref: CALEA 35.1.1, Item B)

C. Rater Responsibilities

1. Supervisors are responsible for monitoring the job performance of subordinates. Supervisors must provide performance feedback to praise outstanding job performance and to correct unsatisfactory performance and behavior.
2. Supervisors shall ensure all paperwork and documentation associated with the Department's performance evaluation system is completed accurately and within specified time frames. Additionally, supervisors must notify the Chief's designee of any problems with employee behavior or job performance.
3. Supervisors conducting performance ratings will base their judgments on personal observations, written reports, daily activity sheets, citizen/police interaction, and any other source that the supervisor deems appropriate. Whenever possible, documentation may be used to support these judgements. However, documentation is not necessarily required except in instances requiring termination or demotion of an employee.
4. A supervisor must hold a face-to-face evaluation interview with an employee regarding the performance evaluation given to the employee. The supervisor must be prepared to provide performance feedback and discuss any questions from the employee regarding his/her evaluation.

(Ref: CALEA 35.1.1, Item C)

D. Rater Training

Prior to completing performance evaluations, each supervisor will review this procedure; the standards for each of the rating categories, applicable job descriptions, and job duty/standard for the position.

(Ref: CALEA 35.1.1, Item D)

- E. All full-time employees of the Department will be evaluated on their job performance at least once each fiscal year, and may be evaluated more often. A normal rating period will be from September 1 to August 30 of the following year.
(Ref: CALEA 35.1.2)

- F. Probationary employees will be rated during their six-month probation period with written counseling from their immediate supervisor to be completed every 90 days. A Quarterly Report will be used for this purpose. A recommendation to retain, demote (in cases of promotion), or to discharge a probationary employee must be made to the Chief of Police prior to the end of the employee's probationary period. (Ref: CALEA 35.1.3)
- G. Performance evaluations will be specific to the position held by the employee and based solely upon job performance during the specific rating period. (Ref: CALEA 35.1.4 and 35.1.5)
- H. If an employee's performance is deemed to be unsatisfactory, he/she will be advised in writing at least 90 days prior to the end of the rating period. This may be done as part of the quarterly progress report. (Ref: CALEA 35.1.6)
- I. A justification is required for all ratings, and ratings of "unsatisfactory" or "exceeds expectations" (outstanding) must be supported with narrative comments stating the specific reason(s) for the rating. All justifications will be written on the performance evaluation rating form. (Ref: CALEA 35.1.7)
- J. Each performance evaluation and Quarterly Report will be reviewed and signed by the supervisor preparing the evaluation, the Chief's designee, and the Chief of Police. Employees will be given the opportunity to comment on and sign the completed performance evaluation and Quarterly Reports.
1. The signature of the employee indicates only that the employee has read the report, and not that the employee agrees or disagrees with the report.
 2. If the employee refuses or otherwise fails to sign the form, the presenting supervisor will make a notation on the form with any stated reason for the refusal. (Ref: CALEA 35.1.8 and 35.1.10)
- K. Each employee will be counseled face-to-face at the conclusion of the rating period. Counseling topics will include:
1. Results of the performance evaluation just completed;
 2. Level of performance expected, rating criteria or goals for the upcoming rating period; and
 3. Career counseling concerning advancement, specialization, or training appropriate for the employee's position. (Ref: CALEA 35.1.9)

- L. Each employee will receive a copy of the performance evaluation report and may request copies of the quarterly progress reports. Copies of these records will remain active in the employee's departmental personnel record during the term of employment or for a minimum of three years. All original copies will be forwarded to the Town Personnel Office to be filed.
(Ref: CALEA 35.1.11 and 35.1.13)
- M. Employees who wish to contest a supervisors rating must contest it in writing within seven days of the evaluation interview. Employees will be given provision to comment in Section V of the evaluation form and/or to attach an addendum to their evaluation form with the reason(s) for their disagreement. The supervisor will be given the option to either change the rating or to let it stand. If the supervisor allows the rating to stand, the employee's comments may be reviewed by the Deputy Chief who will make a recommendation on the matter and will forward it to the Chief of Police for review. If the Chief of Police allows the rating to stand, a copy of the employee's protest will be filed with the evaluation. Any further dispute will be referred to the Town Administrator or Mayor.
(Ref: CALEA 35.1.12)
- N. All raters will be evaluated by their supervisor during the review of their performance evaluation regarding the fairness, uniformity and impartiality of ratings given to subordinates, their participation in counseling rated employees, and their ability to carry out the rater's role in the performance evaluation system. Supervisors who note deficiencies in raters will counsel them and conduct any remedial training they deem necessary.
(Ref: CALEA 35.1.14)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

3.6.1

Subject

Personnel Scheduling

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 41

Distribution

All Personnel

Re-Evaluation

Annual

Pages

3

I. Purpose

To designate guidelines for scheduling personnel in order to meet the needs of the Department.

II. Policy

The Chief will be responsible for ensuring that the manpower needs of the Department are met by monitoring the schedule and making changes as needed to comply with the provisions of this procedure.

III. Procedure

- A. The Chief will schedule officers to meet the needs of the Town and citizens and for any special functions or events. Since the Town does not authorize ample officers to provide 24-hour police protection, the Chief shall determine the scheduling needs. In the event of an emergency manpower shortage (such as a sudden illness), the officer may call in an off-duty officer to meet the minimum requirements as needed. Officers will report at least 15 minutes early to ensure that ample time is permitted to provide related information to officers.

(Ref: CALEA 41.1.1)

- B. Overtime shall not be scheduled to cover the basic shift. All Department employees are salaried employees and will not be compensated with additional pay for overtime hours. The Chief will approve flextime or compensatory time during the same pay period if feasible. Only the Chief or his designee will approve such schedule changes. However, in the event of the Chief's unavailability, the officer may change the schedule for flex or compensatory time if an emergency, unusual circumstance or exigent circumstance arises. Otherwise, the Chief must approve all changes in advance.

- C. All police officers shall be scheduled to work a minimum of 40/43 hours during the work period starting at 0001 hours Friday through 2400 hours Thursday.
- D. All officers will generally be scheduled to work five 8-hour days in a one-week work period. However, it is the prerogative of the supervisor or the Police Chief to change the work hours of any officer or the length of any workday in order to meet the needs of the Department.
- E. It is within the discretion of the supervisor or Chief of Police to schedule working hours or off days in order to meet the basic manpower requirements of the Department. The supervisor may change off days or working hours to accommodate an exceptional need of an officer as long as the basic manpower needs of the Department are met first.
- F. As a general rule, and with some exceptions (such as training requirements, special events, and other emergencies requiring unusual manpower), scheduled off days may be changed, but should not be changed without mutual agreement between the affected officer(s) and the affected supervisor(s). Working hours of officers during any scheduled workday remains within the purview of the supervisor, to schedule as needed, and to comply with manpower needs of the Department.
- G. A supervisor shall not schedule officers from another squad to cover a manpower deficit without the permission of the supervisor of that squad (i.e., the Squad I Sergeant cannot arbitrarily schedule a Squad II officer to cover a shift).
- H. Each year, officers may propose the assignments for each patrol squad to the Chief of Police. The Police Chief will make the final decision regarding assignment.
(Ref: CALEA 41.1.2, Item A)
- I. Off-Days for Patrol Personnel

Patrol officers and first line supervisors assigned to patrol duties shall have their off days listed at least two weeks in advance unless conditions prohibit or exigent circumstances change the needs of the Department.
(Ref: CALEA 41.1.2, Item E)
- J. Rotation

Patrol officer shifts will rotate approximately every two to four weeks if possible and if practical for Department operations.
(Ref: CALEA 41.1.2, Item B)

K. Specialized Assignments

Officers in specialized assignments (such as criminal investigation) will be exempt from this schedule and will be assigned as determined by the Chief of Police.

- L. Due to the small size of the Town of North, officers are not assigned to specific beats. They are expected to patrol the entire Town.

(Ref: CALEA 41.1.2, Items C and D)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
3.7.1

Subject
Training

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 33

Distribution
All Personnel

Re-Evaluation
Annual

Pages
13

I. Purpose

To provide guidelines for the approval of external training programs and the criteria for selection of personnel to attend these programs.

To determine the amount and types of in-service training presented within the Department.

II. Policy

It is the policy of the North Police Department to provide appropriate and quality training for its employees. Training is one of the most important responsibilities of a law enforcement agency. From the time police officers are initially hired until the end of their careers, training impacts every aspect of their job. The training program of the North Police Department has as its goals:

- A. Providing police personnel with the skills, knowledge and abilities needed to act decisively and correctly in a broad spectrum of situations.
- B. Informing personnel in a timely manner of continuing changes in law or departmental procedures.
- C. Enhancing performance of officers on all duties prescribed by law, and correcting noted deficiencies by remedial training.
- D. Developing leadership potential in supervisors through training in advanced command training programs.

III. Procedure

A. The Training Function

1. The training function within the Department will be the responsibility of the Sergeant designated as the Training Officer by the Chief of Police.
2. The training function will encompass all aspects of the Department's training to include: field training; in-service training programs; specialized training; remedial training; mandatory training; civilian training; advanced training, roll-call training and inter-agency training.

B. Training Officer

The duties of the Training Officer shall include the following:

1. To plan and develop training programs according to the needs of the Department.
2. Announce mandatory, remedial, optional and all other available training for all personnel.
3. Maintain training records of personnel.
4. Ensure attendance of all mandatory training programs.
5. Implement in-service training programs.
6. Select instructors and develop training resources.
7. Evaluate all training programs.
8. Coordinate all training programs.
9. Maintain a liaison with the South Carolina Criminal Justice Academy, Orangeburg-Calhoun Technical College, other departments and any other educational facility presenting specialized, basic, or advanced training for police officers.

C. In-Service Training Programs

1. In-service training is required of all sworn personnel annually and will include refresher or advanced training, including firearm qualifications and legal update and core courses required for re-certification by the South Carolina Criminal Justice Academy.

2. The purpose of in-service training is to keep personnel up-to-date with new laws, technological improvements, and revisions in policy, procedures, rules and regulations of the Department.
3. All sworn personnel are required to participate in firearm re-qualification at least twice each year as specified in this manual and also shall participate in the in-service training program, which may address one or more of the following subjects:
 - a. Review of Department policies, procedures, and rules and regulations, with emphasis on changes.
 - b. Review of statutory or case law affecting law enforcement operations, with emphasis on changes.
 - c. Review of the functions of agencies in the local criminal justice system.
 - d. Exercise of discretion in the decision to invoke the criminal justice process.
 - e. Review of interrogation and interviewing techniques.
 - f. Use of force policy, including the use of deadly force.
 - g. Review of performance evaluation system.
 - h. Review of contingency plans, including those relating to special operations and unusual occurrences.
 - i. Crime prevention policies and procedures.
 - j. Collection and preservation of evidence.
 - k. Report writing and records system procedures and requirements.
(Ref: CALEA 33.5.1)
4. The selection of quality instructors is critical to the operation of any successful in-service training program. All departmental instructors who instruct in-service training shall have training in the following areas at a minimum:
 - a. Lesson plan development; (Ref: CALEA 33.3.1, Item A)
 - b. Performance objective development;
(Ref: CALEA 33.3.1, Item B)
 - c. Instructional techniques; (Ref: CALEA 33.3.1, Item C)

- d. Testing/evaluation techniques; and
(Ref: CALEA 33.3.1, Item D)
 - e. Resource availability and use. (Ref: CALEA 33.3.1, Item E)
5. The North Police Department will provide classroom space and appropriate necessary equipment for all internal training programs.

D. Lesson Plans

In all training courses, lesson plans will be developed. This lesson plan will include the following:

- 1. Guidelines and format for lesson plans will be the same as that used by the South Carolina Criminal Justice Academy for training programs. The lesson plan will include references, teaching techniques (lecture, group discussion, panel, debate), relationships to job tasks, responsibilities of the participants for the material taught, and plans for the evaluation of the participants. (Ref: CALEA 33.1.4, Item A)
- 2. A statement of performance and job-related objectives.
(Ref: CALEA 33.1.4, Item B)
- 3. The content of the training, outline, instructor's notes and specification of the instructional techniques to be used.
(Ref: CALEA 33.1.4, Item C)
- 4. The Training Officer will be responsible for the review of all lesson plans. The Chief of Police must approve all lesson plans. This will ensure that lesson plans are consistent with departmental guidelines and state requirements. (Ref: CALEA 33.1.4, Item D)
- 5. The lesson plan will identify any test(s) to be used in the training course.
(Ref: CALEA 33.1.4, Item E)

E. Mandatory Training

All training classes to which officers are assigned are mandatory unless specified otherwise. Any failure of an officer to attend or pass a scheduled training class must be immediately reported, in writing, to the Chief of Police by the Training Officer. When officers are required to attend a mandatory course the following requirements will be in effect:

- 1. Attendance rosters will be completed on all in-house training sessions.
- 2. Where training is mandatory, exceptions will be allowed under the following conditions;

- a. Approved vacation leave.
 - b. Reasonable excuses, such as illness, personal emergency, and court appearances.
3. Where training is mandated by law or the Department, the Training Officer will schedule make up training. (Ref: CALEA 33.1.2)

F. Remedial Training

Remedial training will be used for specific deficiencies identified in personnel. Management during evaluation of job performance as a result of a complaint or during an inspection may recognize the need for remedial training.

1. Training and job proficiency that is mandated by State law or departmental directives will require remedial training.
2. Any aspect of law enforcement that incurs liability because of lack of proper training will require remedial training, if successful completion is not met by an employee. This includes firearms, driver, non-lethal weapons and legal update training.
3. Remedial training will be accomplished by the employee as soon as possible after the deficiency is detected.
4. Personnel designated to receive remedial training are required to attend the appropriate classes. Failure to report to these classes or to successfully complete the remedial training will be reported, in writing, to the Chief of Police by the Training Officer. The Chief will review the facts and determine what disciplinary action is to be taken.

(Ref: CALEA 33.1.5)

G. Specialized Training Programs

Specialized training is that training designed to develop and/or enhance skills, knowledge, and abilities above and beyond the level taught in either recruit or other in-service programs. Specialized training may address supervisory, personnel policies, management, and/or executive development training and may also include technical and job-specific subjects (e.g., homicide investigation, fingerprint examination, juvenile investigation, etc.). Many new skills, particularly those that are technical or job-specific can be successfully taught through supervised on-the-job training by an experienced officer.

1. Many positions within the North Police Department require specialized training either prior to assignment or as part of continued training within the assignment.

2. Assignments that require specialized training prior to assignment are:
 - a. Radar Instructor
 - b. Driving Instructor
 - c. Firearms Instructor
 - d. Instructor of other state-mandated courses
 - e. Radar Operator
 - f. Breath Testing Examiner
 - g. ASP Baton Instructor
 - h. Applicant Background Investigator
 - i. Professional Standards Investigator
 - j. Management level positions
 - k. Field Training Officer
3. Assignments that require specialized training after assignment are:
 - a. NCIC operator
 - b. Supervisory positions
 - c. Investigator
 - d. Crime Prevention Officer
 - e. Community Relations Officer

(Ref: CALEA 33.6.1)
4. Specialized training provided to personnel includes the following:
 - a. Development and/or enhancement of the skills, knowledge, and abilities particular to the specialization.

(Ref: CALEA 33.6.1, Item A)
 - b. Management, administration, supervision, personnel policies of operations or support services in each function or component.

(Ref: CALEA 33.6.1, Item B)
 - c. Supervised on-the-job training. (Ref: CALEA 33.6.1, Item C)
 - d. All personnel responsible for crime scene processing, including investigators, should receive in-service training to develop the following skills: recovery of latent fingerprints and palm prints; recovery of foot, tool and tire impressions; photographing crime or accident scenes; preparing crime or accident scene sketches; and collecting, preserving and transmitting physical evidence, including biological materials. (Ref: CALEA 33.6.1)

5. The costs will be paid for all approved training programs in or outside the Town of North. Normal costs include: mileage (if Department vehicle is not used); meals; lodging; fees; books and materials. A travel and expenses request must be turned in to the Chief and approved to receive a travel advance. Upon return the employee must submit the receipt for lodging and any other requested travel documentation to the Chief of Police within three days. Refer to Town Personnel Manual for allowable expenses. (Ref: CALEA 33.1.3)

H. Roll Call Training

The purpose of roll call training is to reinforce concepts taught at the South Carolina Criminal Justice Academy, to reinforce policy and procedure and to introduce policy and procedure changes that may occur. Roll call training may also be used for short seminar type training.

1. The Training Officer will coordinate roll call training with the squad Sergeants or other supervisors.
2. If necessary, the Training Officer will have the proper instructors for the material presented coordinate with the squad sergeant.
3. The Squad Sergeant is responsible for ensuring that all patrol officers are present and that allowances are made for continuous police coverage during roll call training.

I. Advanced Training

1. Advanced training is considered the type of training provided by the FBI National Academy, IPTM, the Southern Police Institute, Northwestern University Traffic Institute or other similar schools. This training is designed to enhance the professional competence of officers who have demonstrated leadership capabilities.
2. Criteria and conditions for considerations in taking advantage of this training;
 - a. Meet requirements of the advanced training institution.
 - b. Be in a supervisory or command position, or be eligible for such promotion.
 - c. Make a written request for the training to the Chief of Police.
 - d. Receive the endorsement of the Chief of Police.

3. Training requirements to be satisfied by advanced training includes:
 - a. Management theory.
 - b. Utilization of resources to their maximum efficiency.
 - c. Supervisory techniques.
 - d. Police Administration.
4. Any change of responsibilities or assignment will be discussed with the candidate for training, and will be resolved prior to initiation of the advanced training. Assignment to shifts or staff duties shall remain the prerogative of the Chief of Police.

J. Training Requirements for Newly Appointed Civilian Personnel

1. All newly appointed civilian personnel will be provided an orientation program introducing them to the Department. This orientation program will include:
 - a. The Department's role, purpose, goals, policies, and procedures.
 - b. Working conditions, rules, and regulations.
 - c. Responsibilities of employees.
 - d. Review of job description. (Ref: CALEA 33.7.1)
2. Certain civilian positions within the Department require training on specific job tasks prior to assuming the job responsibility. This training may consist of any of the following;
 - a. Supervised on-the-job training
 - b. Formal classroom instruction
 - c. Reading of manuals, procedures, and other written materials.
3. Civilian positions requiring training prior to assumption of job duties are:
 - a. Staff Assistant
 - b. Records Clerk
4. Annual in-service training will be required for the following positions:

Staff Assistant - during the calendar year

(Ref: CALEA 33.7.2)

K. Inter-Agency Training

1. Inter-agency training, either by other criminal justice agencies to North Police personnel or by North Police to other agency personnel is encouraged. This cooperation among agencies improves coordination and increases effectiveness. Officers in the Department who express a desire to instruct in the South Carolina Criminal Justice Academy will be encouraged to obtain certification and to instruct. The Training Officer shall be responsible for reviewing training provided by other agencies (i.e., Highway Patrol, Sheriff's Department, etc.) for suitability of local programs.
2. To maintain a relationship between officers and the South Carolina Criminal Justice Academy, the Training Officer will solicit individuals as instructors in presenting training programs.
3. Instructors selected from outside agencies to teach in-service training at the North Police Department shall be supervised by the Training Officer.
4. Instructors selected must have knowledge of and a demonstrated proficiency in:
 - a. The law enforcement specialty which they are instructing; and,
 - b. Teaching theories, methods and practices.
5. Instructors shall be compensated at a rate to be determined in advance with the Training Officer as approved by the Chief of Police.
6. Public non-enforcement agencies and private organizations shall not be overlooked as potential training sources, especially in areas such as computer operation, dealing with the public, supervision or management topics. The Training Officer shall review training presented by these groups and will use appropriate programs to train personnel.

L. Training Records

1. Any training received by North Police Department personnel will be recorded in the training records by the Training Officer. The training records will include the following:
 - a. Officer's name
 - b. Course title, location and inclusive dates
 - c. Total hours of instruction
 - d. Scores (if tested)
 - e. Certificates (if issued)

(Ref: CALEA 33.1.6)

2. The Training Officer will maintain records of all in-service training conducted by the Department. The training records of classes shall include:
 - a. Course Content (lesson plans)
 - b. Roster of names of attendees
 - c. Individual results of any tests, if administered.

(Ref: CALEA 33.1.7)
3. Training records will not be released to anyone outside the Department except with approval of the Chief of Police.
4. Officers attending training are responsible for submitting copies of certificates and other documentation, as requested, to the Training Officer upon their completion of the training course.

M. Duty Status of Officers Attending Training

The duty status of officers attending training shall be determined in advance between the officer and the Department. Generally, the following guidelines will be followed:

1. Mandatory Training - training programs that are required for the efficient operation of the Police Department and/or are a condition of employment. All such training shall be on-duty hours with the work schedule adjusted to permit scheduling of personnel to attend on work hours.
2. Recommended Training - training courses for which officers may apply, which offer a direct benefit to the North Police Department and the officer. Officers who apply and who are approved to attend such training will attend on duty hours, when approved by the Chief of Police. Any such recommended training must have all details of duty status and expenses agreed to by both the officer and the Department prior to such training being approved. Officers who attend such training without an agreement in advance shall do so on their own time and at their own expense.
3. Officers who attend training courses will be compensated for their actual training hours as compensatory time. They will also be compensated with compensatory time for their actual travel time, if outside the Orangeburg, Lexington or Richland county area or if outside the Midlands.
4. Any travel expense request must be approved in advance by the Chief of Police.

5. The immediate supervisor of officers who are scheduled to attend training may change an officer's off days within any workweek, or the off days of any other officers in the section within any week to permit training that has been approved. Off days cannot be moved from one pay period to another.
6. All training requests must have the approval of the supervisor, the Training Officer, and the Chief of Police in advance of the training. All training is subject to:
 - a. Availability of manpower
 - b. Availability of training funds
 - c. Degree of need for the type of training
 - d. The number of officers trained in that specialty
 - e. If the training is remedial in nature
 - f. If the officer requesting the training is best suited to receive the training

IV. Basic Recruit Training Programs

- A. All newly hired, non-certified police officers must attend the South Carolina Criminal Justice Academy. Basic police training in the State of South Carolina has been standardized by the formation of the South Carolina Criminal Justice Training Council as authorized by SC Code of Laws 23-23-10.
(Ref: CALEA 33.2.3)
- B. The Training Council has established the criteria for the operation of basic police training throughout the State of South Carolina.
- C. In view of the fact that police officer basic training has been standardized throughout the State of South Carolina, the Training Officer will place all non-certified recruit officers with the Academy in accordance with procedures approved by the Chief of Police.
 1. Expenses for training, if any, at the Academy shall be paid by the North Police Department.
 2. The staffing, facilities, instructors or other resources required to operate the Academy will be the responsibility of the Academy. When requested by the Academy, recommended by the Training Officer, and approved by the Chief, North officers may instruct in the Academy on an on-duty basis without additional compensation from the Academy. Any officer with a state instructor's certification may instruct in the Academy on an off-duty basis with approval of the Chief of Police.

3. The North Police Department assumes all normal liabilities of its employees being trained at the Academy.

(Ref: CALEA 33.2.3)

- D. Employees receiving training from the Academy will also receive instruction on North Police Department policies, procedures, rules and regulations. This instruction will be provided prior to or upon completion of basic recruit training at the Academy by the Field Training Officer under the direction of the Training Officer and supervised by the Chief of Police.

(Ref: CALEA 33.2.4)

- E. All newly sworn personnel must successfully complete basic recruit training in accordance with the SC Code of Laws and the rules and regulations of the South Carolina Criminal Justice Training Council. This basic recruit training will be completed prior to any assignment, in any capacity in which the officer is allowed to carry a weapon or is in a position to enforce the law or make an arrest.

(Ref: CALEA 33.4.1)

- F. The Academy attended by recruit officers shall provide a manual to recruit officers that will include information concerning:

1. Organization of the Academy
2. The Academy's rules and regulations
3. The Academy's rating, testing, and evaluation system
4. Physical fitness and proficiency skill requirements
5. Daily training schedules

(Ref: CALEA 33.4.2)

- G. The basic recruit training program at the South Carolina Criminal Justice Academy includes a curriculum based on job task analysis of most frequent assignments of officers who complete recruit training, such as report writing, juvenile procedures, and legal subjects.

(Ref: CALEA 33.4.3, Item A)

- H. The basic recruit training program at the South Carolina Criminal Justice Academy includes the use of evaluation techniques designed to measure competency in the required skills, knowledge and abilities of the curriculum taught, including a final competency test of which passing grade must be obtained.

(Ref: CALEA 33.4.3, Item B)

V. Skill Development Upon Promotion

- A. Upon promotion to any rank the officer must complete the First Line Supervision Course offered by the South Carolina Criminal Justice Academy unless the officer has already completed the course. An equivalent course may be substituted upon approval of the Chief's designee.

- B. The Chief of Police will review the Performance Evaluation Training Manual with the officer.
- C. The Chief of Police will review the appropriate job description with the officer upon his/her promotion and identify any areas in which the officer is deficient. The Chief of Police will then either provide the necessary instruction or arrange the instruction.

(Ref: CALEA 33.8.2)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
3.7.2

Subject
Field Training Program

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 33

Distribution
All Personnel

Re-Evaluation
Annual

Pages
19

I. Purpose

- A. To provide a structured and closely supervised program that offers recruit officers the opportunity to apply the basic skills, knowledge, and abilities obtained in the Academy classroom to assist them in actual performance in field situations.
- B. To formally evaluate the progress of the recruit officer to determine when the officer is competent to perform independently as an effective police officer.
- C. To provide orientation to trained, experienced officers to the North Police Department and the Town of North.

II. Policy

Training is an important responsibility of our agency. Well-trained officers are better prepared to act correctly in a broad spectrum of situations. To increase knowledge and effectiveness of the officer, every recruit officer will be assigned to a field training program after successfully completing the SC Criminal Justice Academy Training Program. If the recruit officer has previously completed the SC Criminal Justice Academy Training Program prior to being appointed by this agency, the officer may be assigned directly to the field training program. All recruit officers will participate in the field training program for a minimum of two weeks in addition to any formal classroom instruction, and longer if the assigned Field Training Officer, Training Officer and/or the Chief of Police deems it necessary.

III. Procedure

- A. The Department shall have a Field Training Officer (F.T.O.) Program consisting of patrol officer(s) who assume responsibilities as trainers of recruit personnel. Duties of the F.T.O. shall include the completion of appropriate forms and the explanation and evaluation of recruit performance on each item of the Recruit Officer Checklist. The F.T.O. shall:

1. Explain each item and, when practical, demonstrate the proper handling of the task to the recruit.
2. When the F.T.O. believes the recruit is capable of handling a specific task, he/she will require the recruit officer to perform the task while the F.T.O. observes.
3. The F.T.O. must take enough time to ensure that every task is explained completely and thoroughly.
4. When an item has been successfully completed, enter the date of completion along with his/her and the recruit's initials.
5. When unlisted situations arise, the F.T.O. shall demonstrate the proper procedure for handling the situation and record such situations at the end of the checklist, either on the form or on attached sheets of paper.
6. The F.T.O. shall also assist the Sergeant, the Training Officer and the Chief of Police in evaluation of the recruit officer and that officer's suitability for police work.

B. Selection Process for Field Training Officers

1. Candidates must have two years agency experience and have received proper training as deemed appropriate by the Chief of Police.
2. The Chief of Police will approve the selection of the officers who are to be assigned as Field Training Officers. This selection shall be based on the officer's qualifications to include, but not be limited to: a good work history; willingness to work overtime to accomplish training; ability to teach effectively; and a genuine interest in developing the skills, knowledge and abilities of other officers.

(Ref: CALEA 33.4.4, Item B)

C. Supervision of Field Training Officers

The Training Officer is responsible for the overall management of the Field Training Officer Program and has the authority to directly supervise the officers who are actively serving as F.T.O.s. The Sergeants also have the responsibility to supervise their assigned F.T.O. on a daily basis.

(Ref: CALEA 33.4.4, Item C)

D. Liaison With the SC Criminal Justice Academy

The Training Officer will serve as liaison with the staff of the Academy regarding the management of the F.T.O. Program. The Training Officer will reconcile the F.T.O. program with the basic law enforcement training program. He/She will also ensure that F.T.O.s are aware of what skills and subjects have been taught to the recruits and what role the F.T.O.s are to assume in further training. (Ref: CALEA 33.4.4, Item D)

E. Training and In-Service Training of Field Training Officers

Training of the F.T.O. shall meet the following standards:

1. Initial Training - Successful completion of a Field Training Officer Program by the SC Criminal Justice Academy or its equivalent, as approved by the Training Officer, or the F.T.O. course provided by the Training Officer.
2. In-Service Training - At least 2 hours each year of continuing in-service training in departmental policies and procedures, patrol techniques, recruit evaluations, changes in the Academy basic recruit curriculum and other subjects as determined and provided by the Department Training Officer or the Chief of Police. (Ref: CALEA 33.4.4, Item E)

F. Duties and responsibilities of the Training Officer in the F.T.O. Program are:

1. Staff responsibility for the Field Training Officer Program, to include monitoring all Daily Observation Reports and periodic evaluations of the progress of the recruit officer by the F.T.O.
2. Responsibility to maintain all F.T.O. Program records.
3. Advising the F.T.O. of any noted problems and to assist the F.T.O. to critique the recruit officer's progress.
4. Responsibility for the final decision to place the recruit on independent patrol status.
5. Evaluation of the work of the F.T.O. and providing in-service training to the F.T.O.s.
6. Observation of various field situations and field instruction to provide him/her with first-hand information concerning the recruit officer's performance and to observe the instructional techniques of the F.T.O.
7. Responsibility to maintain a liaison with the Academy staff regarding the F.T.O. Program.

G. Reporting Responsibilities of Field Training Officers

Field Training Officers will use several methods of recording and evaluating the recruit's progress.

1. The Field Training Officer will be responsible for completing a Daily Observation Report (DOR) on the recruit officer for each working day. The DOR will be categorized under five major headings: Appearance, Attitude, Knowledge, Performance, and Relationships. The F.T.O. will evaluate the recruit in terms of "Below Standard," "Standard," "Above Standard," and "Not Observed."
2. The F.T.O. will also be required to note and explain on the DOR the recruit's most effective performance of the day and where improvement is needed. Upon completion, both the recruit and the F.T.O. will sign the DOR. The DOR will be placed in the Training Officer's mail bin at the end of each workday.
3. The F.T.O. will initial each individual task on the Recruit Officer Checklist to indicate that the recruit has successfully demonstrated the necessary knowledge and ability required for that task.
4. The F.T.O. also has an optional Exemplary Report form to highlight the recruit's report writing accomplishments, when appropriate.
(Ref: CALEA 33.4.4, Item H)
5. Standardized guidelines have been developed for the F.T.O. to rate recruits using the Daily Observation Reports. These guidelines must be used by the F.T.O.
6. The recruit's F.T.O.s and the Training Officer will be required to evaluate the recruit during the period of the training. The Training Officer will keep the Chief of Police apprised of the progress and any problems regarding the recruit.
7. Upon successful completion of all training, the recruit's F.T.O.(s), the Chief of Police, and the Training Officer will review all reports and evaluations pertaining to the recruit's performance and training. They may require the recruit to be present and answer questions if necessary. After review of all pertinent data they will recommend one of the following actions to the Chief of Police:
 - a. Certification of the recruit to work independently as a patrol officer.
 - b. Retention of the recruit in the Field Training Program for a specified period of time for remedial training.

- c. Confirmation that the recruit is not progressing satisfactorily with a recommendation to the Chief of Police to review the recruit's performance and evaluations for a decision as to whether or not the recruit should be reassigned or dismissed.

(Ref: CALEA 33.4.4, Item G)

H. Rotation of Recruit Field Assignments

1. Recruits will be assigned to the patrol function of the Department, and will be assigned the same days off and shift as the F.T.O.
2. The recruit will be rotated between at least two F.T.O.s during the training period as determined by the Training Officer.
3. One training day will be devoted to the assignment of the recruit to the Criminal Investigations Division and the Records Office.
4. Whenever possible, the F.T.O. may temporarily assign recruits to observe or assist in any special investigations (such as serving search warrants), unique or rare patrol assignments (such as stakeouts), and any other assignment that arises in the daily course of work, and that will enhance the development of the recruit. (Ref: CALEA 33.4.4, Item F)

I. Reassignment of Recruits

The Training Officer may reassign a recruit to another F.T.O. when either of the following occurs:

1. There exists an insurmountable personality conflict between the F.T.O. and the recruit that affects the ability of the recruit to learn. The F.T.O. or the recruit may initiate the request for reassignment to the Training Officer.
2. The F.T.O. indicates that a recommendation to dismiss for unsatisfactory performance by the recruit is forthcoming. In such cases, a second opinion from another F.T.O. may be desirable.

J. Length of Field Training Program

The Field Training Program shall consist of three phases, each with increasing responsibilities and increasing complexity of tasks.

1. Phase One shall consist of the time of initial hiring of the recruit officer until the completion of all formal Academy training and full formal certification of the officer by the SC Criminal Justice Training Council.

During Phase One, the recruit officer shall not participate in enforcing the law, making arrests, carrying a firearm, issuing citations, or go on patrol except as an observer with a trained and fully certified police officer as a part of the Field Training Program. For officers who are hired with certification, phase one will be completed at that time when each of the items on the Recruit Officer Checklist have been completed and the F.T.O. and Training Officer mutually agree to move the recruit to the next phase of training.

2. Phase Two shall follow and shall consist of assignment to a Field Training Officer. Phase Two shall end when the recruit officer completes all of the items on the Recruit Officer Checklist, and the F.T.O., the Training Officer and Chief of Police mutually agree that the recruit officer has successfully completed the training and is ready for independent patrol assignment.

Phase Two shall last at least two weeks and should not usually go longer than six weeks, unless agreed otherwise by the F.T.O., the Training Officer and the Chief of Police. (Ref: CALEA 33.4.4, Item A)

3. Phase Three shall begin at that time when the recruit officer is assigned to independent patrol duties and shall last until the end of the probationary period.

Mark P. Fallaw
Chief of Police

Date

NORTH POLICE DEPARTMENT

Field Training Officer Program

Recruit Officer Checklist

Recruit Officer's Name _____

Date Training Began _____ Date Training Ends _____

(To be initialed by F.T.O. and Trainee when performed satisfactorily)

PHASE II

Date F.T.O. Trainee

- | | | |
|----|--|-------|
| 1 | Explain F.T.O. Program (Evaluations) | _____ |
| 2. | Explain probationary status | _____ |
| 3. | Written Directives System | |
| | Review each of the following with the recruit: | |
| a. | Town Personnel Policies | _____ |
| b. | Department Procedure Manual | _____ |
| c. | Bloodborne Pathogens Manual | _____ |
| d. | Airborne pathogens Manual | _____ |
| e. | Accreditation Orientation Guide | _____ |
| f. | Patrol Pass On Book | _____ |
| g. | Performance Appraisal Manual | _____ |
| h. | Patrol Schedule | _____ |
| 4. | Departmental Policy on the Use of Force | |
| a. | When deadly force may be used | _____ |
| b. | Report Procedures | _____ |
| c. | Only enough force may to be used to overcome resistance to the arrest. | _____ |
| d. | Use of non-lethal force -unarmed, ASP and Oleoresin Capsicum | _____ |
| 5. | Town Boundaries and Street Numbering System | |
| a. | North and South boundaries | _____ |
| b. | East and West boundaries | _____ |
| c. | Orangeburg County lines | _____ |

6. Main Town Streets
Hwy 178 & Hwy. 321,
Main Street,
Bedford Avenue & Stafford Avenue,
Jones Bridge & Oliver Road _____
7. Important Town/Area Locations.
North Elementary School,
North Middle/High School
Citgo
R&J Drugs/Lil Cricket
Piggly Wiggly _____

Jones Bridge,
Livingston & Neeses,
Norway & Springfield,
Orangeburg Sheriff's Office/OCRDC
Orangeburg Courthouse _____
8. Organizational Procedures
 - a. Scheduling/Time Sheets/Leave Requests _____
 - b. Daily Activity Worksheets _____
 - c. Mail/Roll-Call Information _____
 - d. Location of Files/Reports/Forms _____
 - e. Checking in/off duty _____
 - f. Reserve Program _____
 - g. Ride Along Program _____
9. Procedure for checking out police unit at beginning of shift.
 - a. Inspect vehicle for damage and wear _____
 - b. Check regular and emergency lighting _____
 - c. Check fluid levels _____
 - d. Emergency items in trunk _____
 - e. Fire extinguisher _____
 - f. Check siren _____
 - g. Vehicle cleanliness _____
 - h. Gas and spare tire (inflated) & jack _____
 - i. Check rear seat _____
 - j. Gasoline and pump facility location _____
 - k. Check radio _____
 - l. First aid kit _____
 - m. Vehicle maintenance request procedure _____

10. Courtroom Appearances
 - a. Introduce Town Judge _____
 - b. Testimony requirements _____
 - c. Appearance and demeanor _____
11. Time Sheets and Overtime Procedures
 - a. How to complete form _____
 - b. Importance of completing on time _____
12. Radio Codes and Procedures
 - a. Calling in to begin/end shift _____
 - b. Knowledge of radio ten codes _____
 - c. Knowledge of radio signals _____
 - d. Radio channels _____
 - e. Central Communications (tour) _____
13. Appearance of Officer in Uniform
 - a. Winter and summer uniform _____
 - b. Personal Conduct
 - (1) Smoking in public and at Department _____
 - (2) Congregation at convenience stores, restaurants, crime scenes, etc. _____
 - (3) Offensive mannerisms, racial slurs and trigger words _____
 - (4) Non-acceptance of gratuities _____
 - c. Command presence & courtesy _____
 - d. Gun belt & personal equipment _____
 - e. Ballistic vest _____
14. Field Report Writing System
 - a. Incident Reports _____
 - b. Supplements _____
 - c. Assignment of case number _____
 - d. Booking Reports _____
 - e. Clarity, spelling and grammar _____
 - f. All reports are due at the end of the shift _____
 - g. Report manual in Patrol Office _____

15. Traffic Stop Procedures
 - a. Select the location _____
 - b. Advise the dispatcher _____
 - c. Initiate the stop _____
 - d. Position of police unit _____
 - e. Approach the vehicle _____
 - f. Officer safety considerations _____
16. Issuing Traffic Citations
 - a. Proper demeanor with violator _____
 - b. Filling out citation properly _____
 - c. Handling drivers with suspended or revoked license _____
 - d. Verbal/Written Warning Procedure _____
 - e. Voiding the citation (Procedure) _____
 - f. Cite at an accident scene _____
 - g. Accountability for Citations _____
 - h. Parking tickets _____
17. Field Interviews
 - a. Plan your approach _____
 - b. Observe suspect's non-verbal behavior _____
 - c. Methods to determine if suspect is telling the truth _____
 - d. Officer safety considerations _____
 - e. Filling out FI cards _____
18. Radar/ Laser Operation (Certified Operators Only)
 - a. Review of the Doppler effect _____
 - b. Testing of radar unit _____
 - c. Operation in stationary mode _____
 - d. Operation in moving mode _____
 - e. Operation of laser speed detection _____
 - f. Selection of site: check speed signs, school zone lights/signs, enforce in school zones, high accident areas and complaint areas _____

19. Laws of Arrest
- a. Probable Cause _____
 - b. Felony _____
 - c. Misdemeanor _____
 - d. Cite and release vs. arrest _____
20. How to Arrest
- a. Reasonable Use of Force _____
 - b. Receiving prisoners from citizens _____
 - c. Receiving prisoners from other officers _____
 - d. Suspects rights _____
 - e. Use of citations _____
 - f. Transportation of prisoners _____
 - g. How to apply handcuffs _____
 - h. Prisoners of the opposite sex _____
 - i. Juvenile prisoners _____
 - j. Advise dispatch of starting mileage and time on all transports of prisoners of opposite sex and juvenile prisoners _____
 - k. Escape procedures _____
21. Prisoner Processing
- a. Filling out Booking forms _____
 - b. Procedures for OCRDC _____
 - c. Serving Arrest Warrants _____
 - d. Filling out incident report _____
 - e. Case information and bond sheet _____
 - f. Photographs _____
 - g. Fingerprinting _____
 - h. Handling prisoner's property _____
 - i. Assignment of court date _____
 - j. Judge's Mail Box _____
22. Officer Safety
- a. Alarm Responses
 - (1) Approach and arrival at scene _____
 - (2) Wait for back up unit _____
 - (3) Check building for forced entry _____
 - (4) Look for suspicious persons and cars _____
 - (5) Check the interior of the building _____
 - (6) Contact keyholder/ File report _____

- b. Handling prowler calls
 - (1) Proper approach and arrival _____
 - (2) Look for suspicious persons/cars _____
 - (3) Contact reporting party _____
- c. Family fight calls
 - (1) Criminal Domestic Violence law _____
 - (2) Approach and arrival at scene _____
 - (3) Wait for back up (if possible) _____
 - (4) Standby situations _____
 - (5) Identify any crimes committed/Arrest _____
 - (6) Identify participants/collect evidence _____
 - (7) Offer solutions that would resolve the problem for the moment _____
 - (8) Referral agencies - Sistercare _____
- d. Handling robbery calls
 - (1) Response and arrival _____
 - (2) Deployment _____
 - (3) Initial and supplemental broadcasts _____
 - (4) Preserve the crime scene _____
 - (5) Elements of investigation _____
 - (6) Locate and interview any witnesses _____
 - (7) Check surrounding scene for evidence _____

23. DUI Arrests

- a. Recognizing the offender _____
- b. Videotape _____
- c. Field sobriety tests (demonstrate) _____
- d. Arrest reports -incident & booking _____
- e. Breath/urine/blood test procedure _____
- f. Implied consent law _____
- g. Miranda warnings _____
- h. Breath test/refusal procedures _____
- i. Request for blood/urine tests _____
- j. DUI suspect taken to hospital _____
- k. Juvenile offenders _____
- l. Towing suspect's vehicle _____
- m. Vehicle inventory procedure _____

24. Auto Accident Investigations
- a. How to complete a report _____
 - b. Measurements/Photos _____
 - c. Witness statements/witness form _____
 - d. Issue a citation if probable cause exists _____
 - e. DUI involvement _____
 - f. Hit and run reports _____
 - g. Private property reports _____
25. Felony Stop Procedures
- a. Notification of dispatch _____
 - b. Wait for back up _____
 - c. Select a plan:
 - (1) Location for the stop _____
 - (2) Innocent bystanders _____
 - (3) Clear background field of fire _____
 - d. Utilization of the PA system _____
 - e. Position of police vehicle _____
 - f. Arrest suspect(s) _____
 - g. Check out the interior of suspect's vehicle and trunk _____
26. Prisoner Searching and Cuffing Techniques
- a. Handcuff then search thoroughly _____
 - b. Injured or handicapped prisoners _____
 - c. Demonstrate proper handcuffing _____
 - d. Double lock handcuffs _____
 - e. How to check complaints about handcuffs being too tight _____
27. Crime Scene Investigation
- a. Determination of type crime committed _____
 - b. Render first aid to victims _____
 - c. Locate any witnesses _____
 - d. Taking statements _____
 - e. Broadcast any suspect information _____
 - f. Preserve evidence and protect scene _____
 - g. Notification of supervisor _____
 - h. Notification of investigator _____

- 28. Handling Evidence
 - a. Protecting the crime scene _____
 - b. Photographs _____
 - c. Booking and labeling evidence _____
 - d. Chain of custody _____
 - e. How to fill out evidence submission sheets to SLED _____
 - f. How to complete property report _____
 - g. Evidence lockers _____
 - h. HIV/Hepatitis precautions _____
- 29. Patrol Procedures
 - a. Inspection Procedures and Techniques
 - (1) Closed businesses (security checks) _____
 - (2) Open businesses (for Robberies) _____
 - (3) Vacation residences _____
 - (4) Check property on night shift _____
 - b. Open doors & Windows calls _____
 - c. Man with gun calls _____
 - d. Disorderly persons/crowds _____
 - e. Shoplifting calls - establish probable cause _____
 - f. Vehicle searches _____
 - g. Gas drive off calls _____
 - h. Funeral escorts/parades/special events _____
- 30. Bad Checks - Magistrate _____
- 31. Duties at Fire Scenes _____
- 32. Duties at Medical Emergencies Assisting EMS _____
- 33. Emergency Vehicle Operation
 - a. Proper and lawful driving by officer _____
 - b. Use of blue light and siren _____
 - c. Pursuit Policy (procedures, 3 mile limit) _____
 - d. Responding Code 1, 2, 3 _____
- 34. Towing Vehicles _____
- 35. Confirm Wants and Warrants (NCIC & local) _____

- 36. Disturbance of the Peace Calls
 - a. Neighbor disputes _____
 - b. Loud Parties _____
 - c. Simple assaults _____
 - d. Nuisances _____
 - e. Trespassing _____
 - f. Abandoned Autos _____
- 37. Parking and Handicap Zone violations _____
- 38. Narcotics and Vice Arrests
 - a. Available resources - Narcotics Officer _____
 - b. Recognizing "profiles" _____
 - c. ABC violations _____
- 39. Foot Patrol _____
- 40. Traffic Direction at Emergencies _____
- 41. Incidents Involving Animal Complaints
 - a. Barking dog calls _____
 - b. Handling sick or vicious animals _____
 - c. Animal control _____
 - d. Procedure to follow to destroy an animal _____
- 42. Incidents Involving Mentally Ill Persons
 - a. Recognition and procedures _____
 - b. Emergency commitment _____
 - c. Use caution _____
- 43. Suicides and Attempts
 - a. Locate evidence _____
 - b. Notify EMS/coroner/investigator _____
 - c. Protect crime scene _____
 - d. Mental health referral _____
 - e. Necessity for a report _____
- 44. Death Cases
 - a. Review procedures _____
 - b. Determination of death (natural?) _____
 - c. Protect the crime scene _____
 - d. Need to notify Supervisor _____
 - e. Need to notify Coroner _____
 - f. Procedure/natural death _____
 - g. If in doubt, treat as a crime _____

45. Location of Banks and Saving Loans and explanation of Robbery Alarm procedure _____
46. Cases Involving Bicycles
- a. Citations _____
 - b. Accidents _____
 - c. Stolen & abandoned bikes _____
 - d. Equipment requirements _____
47. Missing Persons Cases
- a. Adults _____
 - b. Juveniles _____
 - c. Suspicious circumstances _____
 - d. MPIC form to be completed in addition to incident report and send BOLO _____
 - e. No Waiting Period To File Report _____
48. The Criminal Investigation Function
- a. Interviews and Interrogations _____
 - b. Developing Investigative Leads _____
 - c. Technical Aids to Investigations _____
 - d. Property Recovery _____
 - e. Search Warrants _____
 - f. Clearance of Offenses _____
 - g. Surveillance _____
 - h. Investigative Case Log _____
 - i. Preparing a Case File _____
49. Enforcement of Town Ordinances
- a. Special Criminal Ordinances _____
 - b. Special Traffic Ordinances _____
 - c. Municipal Court _____
 - d. Operating W/O Business License-coordinate with Town Hall _____
 - e. Code enforcement procedure _____

50. Juvenile Procedures
- a. Juvenile Involvement in Crime _____
 - b. Runaways & Truancy _____
 - c. Alternatives to Arrest _____
 - d. Child abuse and neglect/emergency custody _____
 - e. Juvenile gangs _____
 - f. Introduction to Elementary School principals and staff _____
 - g. Transporting Juveniles _____
 - h. Juvenile traffic offenders _____
 - i. Missing children _____
 - j. Liaison with other juvenile agencies _____
 - k. Notification of parents _____
 - l. Taking juveniles into custody _____
 - m. Juvenile Arbitration Program _____
51. Developing Sources of Information
- a. Legal issues _____
 - b. Dept. Procedure - Use of Informants _____
52. Bloodborne and Airborne Pathogens
- a. Review Exposure Control Plan _____
 - b. Personal Protective Equipment _____
 - c. Universal Precautions _____
 - d. Post Exposure Action _____
53. Courtroom Security
- a. Check of courtroom for contraband, security problems _____
 - b. Calling court to order _____
 - c. Protection of Judge and others in court _____
 - d. Handling prisoners for court _____
54. Community Relations
- a. The individual officer is the most highly visible representative of the Department _____
 - b. Developing good community relations is the responsibility of every officer _____
 - c. All officers are expected to assist in community relations programs _____

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FIELD TRAINING OFFICER ROTATION ASSIGNMENT:

DATE: From _____ To _____

CERTIFICATION OF FIELD TRAINING

Recruit _____

CERTIFICATION OF F.T.O.: The officer entrusted to my instruction whose name appears on the front of this form has been instructed and has satisfactorily handled or displayed knowledge in all of the above listed areas, as indicated by the date and my initials. I hereby request that the officer be considered as qualified for independent patrol status.

_____, Field Training Officer

_____ Date

_____, Field Training Officer

_____ Date

CONCUR:

_____, Training Officer

_____ Date

_____, Chief of Police

_____ Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
3.8.1

Subject
Law Enforcement Accreditation Familiarization

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 33

Distribution
All Personnel

Re-Evaluation
Annual

Pages
2

I. Purpose

To familiarize North Police Department employees with the law enforcement accreditation process.

II. Policy

The North Police Department is committed to law enforcement accreditation and realizes that its employees must be familiar with the process.

III. Procedure

- A. All employees will be provided with an overview of the accreditation process. All newly hired employees will be provided with information and documentation during the Field Training Program or equivalent period. Just prior to an on-site assessment, all employees will be briefed by the Chief of Police and/or Accreditation Manager regarding the accreditation process.
- B. The Overview of the Accreditation Process and Accreditation Operational Plan documents contain the following information.
 1. The history and background of accreditation and the Department's involvement in the process;
 2. The accreditation process;
 3. The goals and objectives of accreditation; and
 4. The advantages of accreditation and its impact on the Department.
- C. A copy of the CALEA newsletter will be circulated among all employees for their review.

- D. A copy of the Standards Manual of the Law Enforcement Accreditation Program is kept in the Chief's office and may be reviewed by any officer.
- E. The Chief of Police and/or the Chief's designee may periodically attend meetings of the Commission on Accreditation for Law Enforcement Agencies.

(Ref: CALEA 33.5.3)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
3.9.1

Subject
Employee Management/Conflict Resolution

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 25

Distribution
All Personnel

Re-Evaluation
Annual

Pages
2

I. Purpose

To provide a procedure to formally recognize conflicts within the Police Department and offer a structured method to resolve these conflicts.

II. Policy

It is the policy of the North Police Department to ensure that the employee's questions, concerns, and complaints are promptly heard, answered, and appropriate action taken.

III. Procedure

- A. If an employee of the Police Department, who has completed the probationary period with satisfactory service, has an employment-related conflict that may include, but shall not be limited to, disciplinary actions, suspensions, dismissals, promotions and demotions, the employee shall act as prescribed below.
(Ref: CALEA 25.1.1, Item A)
- B. When an employee has reason for dissatisfaction with an action affecting his/her status or condition of employment, he/she will initially take the concern to his/her immediate supervisor. The next available remedy is the Chief of Police. The reason for the employee's dissatisfaction needs to be brought to the attention of the Chief of Police within five working days of the incident.
(Ref: CALEA 25.1.1, Items A and B)
- C. The supervisor and the Chief of Police shall listen to the employee's concern and take the appropriate action. If the matter cannot be satisfactorily resolved by either the immediate supervisor or the Chief of Police within the next five working days, the member may appeal the matter to the Town Administrator and/or the Mayor in a written memorandum. The written appeal must be filed within five working days following the supervisor's and Chief of Police's decision.
(Ref: CALEA 25.1.1, Items A, B, & D)

The written memorandum must include the following:

1. A written statement of the appeal and the facts upon which it is based.
2. A written allegation of the specific wrongful act and harm done.
3. A written statement of the remedy or adjustment sought.

(Ref: CALEA 25.1.1, Item C)

D. Upon delivery of the appeal to the Town Administrator and/or the Mayor, he/she will review the matter and render a final decision within ten working days. (Ref: CALEA 25.1.1, Items A & D)

E. The Chief of Police will coordinate all actions filed as part of the Employee-Management Conflict Resolution program within the Police Department, and shall forward a copy of all such actions to the Town Administrator and the Mayor. (Ref: CALEA 25.1.2)

F. Employee representation will not be permitted as a part of this process. (Ref: CALEA 25.1.1, Item E)

G. Upon the conclusion of any Employee-Management Conflict Resolution program action involving a Police Department employee, all records, statements, documents and findings pertaining to that action will be maintained in a secure file located in the office of the Chief of Police. These files are considered confidential. (Ref: CALEA 25.1.3)

H. Annually, the Chief of Police will conduct an analysis of any appeals filed by Department employees as part of the Employee-Management Conflict Resolution Process. The purpose of the analysis is to observe any trends and to take appropriate steps to minimize future conflicts. (Ref: CALEA 25.1.4)

IV. Employee Advisory Committee

The Chief of Police will meet on a regular, on-going basis with a committee of police employees to provide an open means of communication between Police Department employees and the Chief of Police. The Chief will select members at his discretion from Road Patrol, Special Operations, Investigations or any other unit to serve on this committee. The committee should have various ranking officers. The frequency of the meetings will be determined by the committee. Each representative on the committee is responsible for soliciting topics of concern from other employees and for advising the employees they represent of the information received at the meeting. A member of the committee will be designated at each meeting to take minutes of the meeting. The Chief of Police will preside over the meeting and will fill any vacancies on the committee.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

3.10.1

Subject

Disciplinary Procedures

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 26

Distribution

All Personnel

Re-Evaluation

Annual

Pages

10

I. Purpose

To establish the Department's disciplinary system.

II. Policy

The maintenance of effective discipline is essential in order for the Department to effectively control its performance and satisfactorily achieve its objectives. True discipline is achieved through a high degree of training and good morale.

Complying with departmental policy, directives, rules, and standard operating procedures is the responsibility of all Department employees. It is the supervisors' duty to ensure that those personnel subordinate to them conform to the Department's guidelines. Compliance is best accomplished by supervisors setting a positive example for subordinates. In those cases where an employee should be rewarded, or where the Department's guidelines are violated, there must be a uniform system of discipline. Whether positive or negative, all aspects must be based on fairness to the employee and the Department, and should stimulate employee morale and motivation.

III. Procedure

A. Awards Programs

The North Police Department expects a high level of conduct from all employees. It is recognized that Department members can and do perform their duties in a manner exceeding even the highest standards of the Department. In order to provide official recognition to those employees who bring honor to themselves and the Department, the Awards Program is hereby established. Award Categories:

1. Letter of Appreciation

To be awarded for an outstanding act, rendering exceptional service, or accomplishment that was the result of personal sacrifice whereby the employee had gone far beyond the requirements of his/her normal assignment.

A Letter of Appreciation can be issued by any supervisor. The Letter of Appreciation will be forwarded to the Chief of Police who will:

- a. Place a copy of the Letter of Appreciation in the employee's personnel file.
- b. Place a copy of the Letter of Appreciation in the employee's Town of North personnel file.

2. Chief's Letter of Commendation

To be awarded to an employee for service above and beyond the call of duty, by giving evidence of selfless conduct by an employee. Such conduct may be based on an individual act or a series of actions that have been undertaken in a manner by which the employee takes it upon himself/herself to perform in a manner not required or expected. The act is to be unusual in nature, showing initiative or accomplishment. The award may also be presented for outstanding accomplishment that has served as a credit to the Department or has resulted in improved methods, operations, or cost savings.

Supervisors may submit a memo to the Chief of Police outlining the facts of an incident that meets the above criteria as a nomination for this award. Selections will be made by the Chief of Police. The Chief will issue the Letter of Commendation and will place a copy in the employee's personnel file.

3. South Carolina Police Chiefs' Association Awards

A copy of the South Carolina Police Chiefs' Association Awards program guidelines is available in the Patrol Office and from the Chief of Police. All sworn and civilian personnel employed by the North Police Department are eligible to receive these awards. Any officer can nominate another officer or himself/herself for an award using the proper form. All nominations must be approved by the Chief of Police.

(Ref: CALEA 26.1.4, Item A)

B. Disciplinary Action

1. Punitive action may be administered in a progressive fashion. Although not all inclusive, the following should be taken into account when considering administration of discipline:

- a. The seriousness of the incident.
- b. The circumstances surrounding the incident.
- c. The employee's past disciplinary record.
- d. The employee's past work performance.
- e. The impact of the incident on the Department and/or the community.
- f. The prognosis for future similar disciplinary problems.

2. Training

Officer's acts that are committed because he/she either misunderstood procedures or was never made aware of the correct action, are indicators of training needs.

These needs may be corrected by remedial training. Remedial training is personalized training to correct a specific deficiency that is usually identified by testing, evaluations, or by acts requiring disciplinary actions. Training may be used as part of the Department's disciplinary system by itself, or along with other disciplinary procedures as determined by the Chief of Police.

In a non-disciplinary action, an employee may be assigned to remedial training if the supervisor recommends the process to correct a lack of skill, knowledge, or ability to perform assigned tasks. Recommendations for remedial training will be made in writing through the chain of command to the Chief of Police.

Required remedial training will be documented in the employee's internal personnel file by the supervisor.

(Ref: CALEA 26.1.4, Item B)

3. Counseling

Counseling assists employees with the process of problem solving. It may be corrective or preventive in nature. It may focus on the necessity for a person to change his/her present behavior or work methods. It may also focus on the necessity for a person to behave differently in preparation for responsibilities and challenges that lie ahead. In addition, counseling may focus on a specific disciplinary problem that may be handled simply with counseling or with other disciplinary measures.

In order to be considered for a promotion and/or salary increase, an employee must not have more than one written counseling during a one-year period.

If an employee receives written counseling on two unrelated violations, during a one-year period, a subsequent written counseling will result in a written reprimand.

The immediate supervisor will counsel an employee when the employee has an existing problem or is experiencing difficulty understanding or adjusting to matters that are:

- a. job related;
- b. personnel policy;
- c. interpersonal relationships with co-workers; and/or
- d. personal matters that affect the employee's work.

Counseling may be documented in the employee's internal personnel file by the supervisor and signed by the employee. The supervisor will consider the factors listed in III B 1 to determine whether to document the counseling action.

The supervisor shall identify the work rule or standards of conduct that the employee has violated or the duties that the employee has failed to discharge, and will suggest corrective action. The written counseling will be documented in the employee's personnel file.

(Ref: CALEA 26.1.4, item C)

4. Written Reprimand

A written reprimand is a formal reprimand to the employee from his supervisor describing the way in which the employee's conduct or performance has failed to meet prescribed standards.

The written reprimand should be used in cases where a past verbal warning has been ineffective or where an offense has been committed that requires more severe action than a verbal warning or counseling.

The written reprimand shall specify the violations charged against the employee or the failures in work performance of the employee and shall specify corrective action. It shall warn the employee that repeated offenses will lead to more stern measures, including possible discharge. The written reprimand will be documented in the employee's personnel file.

If an employee receives two written reprimands within one year, the employee may be suspended for a duration to be determined by the Chief of Police.

5. Suspension

A suspension is a serious disciplinary action in which the officer must forfeit his/her salary for misconduct considered to be serious or part of a continuing pattern of behavior involving repeated misconduct. The Town of North policy on suspensions is stated in the Town's Personnel Policy Manual.

All suspensions must have the approval of the Chief or Acting Chief of Police. The suspension must be documented in the employee's personnel file.

Upon suspension, the chief may require the employee to relinquish his/her ID card, badge, issued firearm(s) and police vehicle to the Chief of Police for the duration of the suspension.

6. Demotion

Demotion is the appointment of an employee to a new position having decreased responsibility and pay. Involuntary demotion may be used in circumstances in which an employee exhibits unsatisfactory performance or personal conduct in one position but shows promise of becoming a valued employee in another position. It may be used as an alternative to dismissal and it is the most severe corrective action that may be imposed prior to discharge. The Town of North policy on demotions is stated in the Town's Personnel Policy Manual. All demotions must be documented in the employee's personnel file. All demotions must be approved by the Chief of Police.

7. Termination

Termination is the removal of an employee from duty, thereby ending his/her employment with the Town. The Town of North policy on dismissals is stated in the Town's Personnel Policy Manual. Only the Chief of Police may terminate an employee. The termination action will be documented in the employee's personnel file.

All employees are subject to termination for any of the following general conditions:

- a. Reductions in the work force brought about by economic considerations.

- b. Consistent performance failure(s) or a single performance failure that results in serious consequences to the Department's public credibility or ability to function in an effective and efficient manner, with or without fault.
- c. Decisions of the Administration as permitted and retained by law. (Ref: CALEA 26.1.4, Item D)

8. Termination Order

If employee misconduct results in termination from the Department, the employee shall receive a written notice that will contain the following information:

- a. The reason for the termination.
- b. The effective date of the termination.
- c. Who to contact for the status of fringe and retirement benefits after termination. This information will be provided by the Town Clerk.
- d. A statement as to the content of the employee's employment record relating to the termination. (Ref: CALEA 26.1.7)

This provision does not apply to entry level probationary employees.

C. Supervisor's Role

The Chief of Police shall (1) review all submitted reports and evidence of any disciplinary action prior to being made part of an employee's personnel file, (2) sustain or reduce the action, (3) impose the forms of punitive discipline identified in this policy.

All supervisors shall be responsible for detecting those instances and actions when positive or negative disciplinary actions are warranted for members under their immediate or indirect supervision. These responsibilities include:

- 1. Rewarding positive behavior and exemplary conduct and performance.
- 2. Investigating allegations of employee misconduct when within the scope of their authority and responsibility.
- 3. Counseling employees to improve job performance or correct minor infractions and procedures.
- 4. Identifying training needs as a function of the disciplinary process.

5. Directly implementing punitive disciplinary action including written counseling and written reprimands.
6. Implementing severe disciplinary action approved by the Chief of Police.

D. Supervisory Authority

Final disciplinary authority and responsibility for Department members rests with the Chief of Police. All supervisors are held responsible for any discipline administered at any level below them within their span of authority. Supervisors may exercise the following disciplinary measures with members under their control:

1. Sergeants, Lieutenant, Captain or Deputy Chief
 - a. Change of duty assignment within their span of supervisory control.
 - b. Written counseling.
 - c. Written reprimand.
 - d. Recommend suspension.
 - e. Administrative relief from duty requiring the employee to report to the Chief of Police's office at 0900 hours the next day.
 - f. Impose suspension in absence of the Chief.
 - g. Recommend demotion.
 - h. Recommend discharge.
2. Chief of Police
 - a. Change of duty assignments.
 - b. Written counseling.
 - c. Written reprimand.
 - d. Impose suspension.
 - e. Administrative relief from duty.
 - f. Demotion in rank and pay.
 - g. Termination from the Department.

Whenever improper conduct of an employee is observed by any supervisor, it shall be the responsibility of that supervisor to take immediate corrective action and to inform the offending employee's supervisor for possible disciplinary action.

If the misconduct is very minor, such as a minor infraction of procedures, or a case of poor judgment that has not significantly impeded effective departmental operations, the supervisor is authorized to take immediate corrective action in the form of counseling that may be verbal or written.

A written reprimand may be given by any first-line supervisor. It shall be the responsibility of that supervisor to inform the offending employee's supervisor and ensure the reprimand is documented in the employee's personnel file.

If the misconduct is serious and the supervisor determines that a suspension is in order, the supervisor will review the action with the Chief of Police.

If the misconduct is very serious, such as a violation of criminal law, gross negligence involving loss of life or potential loss of life, intoxication on-duty, gross insubordination, or when deemed to be in the best interest of the Department, the supervisor may impose an administrative relief from duty. The Chief of Police will be immediately notified in such instances.

The administrative relief from duty will continue until 0900 hours the next day. The supervisor will take possession of the employee's weapon, identification card, badge and vehicle. The supervisor will provide the employee with a ride to the employee's residence and advise the employee that the employee is under emergency suspension and is relieved of all police powers until instructed otherwise by higher authority.

(Ref: CALEA 26.1.5)

E. Sexual Harassment in the Work Place

1. It is the position of the Town of North and the Police Department that all members should be able to work in an environment free of any type of harassment. Acts of sexual harassment by members, supervisors and managers are prohibited employment practices and are subject to sanctions and disciplinary measures. The purpose of this policy is to define types of prohibited sexual harassment conduct and to establish procedures for the reporting and investigation of such conduct by a member.
2. Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when:

- a. Submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment or continued membership;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
 - c. Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.
3. When a member thinks they are a victim of sexual harassment, the following steps shall be taken to report the violation.
- a. Discuss the matter with the immediate supervisor, a supervisor in the chain of command and/or the Town Administrator and/or Mayor. If the offending party is in the member's chain of command, the member may report the incident to any higher ranking person in the chain of command or go outside the Police Department chain of command and report the incident to the Town Administrator and/or Mayor.
 - b. Put the complaint in writing.
 - c. Review the report for completeness and accuracy. Make sure to include the name(s) of person(s) accused of wrongdoing and any witness(es) whose testimony may support the complaint.
 - d. To ensure confidentiality, do not discuss the complaint with persons other than the person the complaint is filed with, the assigned investigating officer or the Town Administrator and/or Mayor.
4. The Department will thoroughly investigate all sexual harassment complaints in a confidential manner. The Chief of Police will assign a Professional Standards investigator and/or the Chief's designee, as deemed appropriate, to investigate the complaint. The investigation will include questioning of any witness(es) and the individual(s) accused of wrongdoing to afford them the opportunity to respond to the allegations of the complaint. The investigation shall be concluded in an expeditious fashion. The assigned investigating officer shall collect, record and confidentially safeguard all information and/or evidence relative to the incident and report the findings to the Chief of Police.

5. Appropriate disciplinary action will be taken by the Department for complaints that are determined to be sexual harassment. Appropriate disciplinary action will be taken based on the facts, on a case-by-case basis, up to and including dismissal. (Ref: CALEA 26.1.2)

F. Disciplinary Records Maintenance

Reports and supporting documents that relate to a disciplinary action will be retained in the office of the Chief of Police in the employee's personnel file.

The record of disciplinary action will also be placed into the employee's Town personnel file.

Unless otherwise approved by the Chief of Police, disciplinary actions shall remain in the employee's personnel file indefinitely. (Ref: CALEA 26.1.8)

G. Appeal Procedures

Appeal procedures for employment-related conflicts such as disciplinary actions may be made through the chain of command and is outlined in Employee-Management Conflict Resolution Section 3.9.1.

(Ref: CALEA 26.1.6)

H. Non-Discrimination

The North Police Department does not intend to illegally discriminate against current members, potential members or member groups on the basis of sex, ethnic background, race, religion, color, age or physical handicap in any disciplinary or termination proceedings.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

3.11.1

Subject

Secondary Employment

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 22 and SC Code of Laws, Title 23

Distribution

All Personnel

Re-Evaluation

Annual

Pages

3

I. Purpose

To establish guidelines that govern outside employment, extra-duty, off-duty, part-time or any other employment not related to the Department's full-time mission.

II. Policy

It is the policy of the North Police Department to provide guidelines for the participation of its personnel in secondary employment. Any and all such secondary employment shall not interfere with or detract from the employee's ability to properly perform his/her official duties. The employee's duty to the Town of North will always take priority.

III. Procedure

- A. Secondary employment shall be construed to mean engaging in any work, business or activity for profit, either as a principal or agent, other than that assigned by the North Police Department.
- B. Members are prohibited from engaging in secondary employment, unless and until an application is submitted to and approved by the Chief of Police.
(Ref: CALEA 22.3.4, Item A)
- C. Members engaged in secondary work shall at all times and in all places, conduct themselves in a manner creditable to the Department. Misconduct may result in termination of the outside work permit and/or disciplinary action. Officers must remember that their first responsibility is to the Town of North. Officers may only perform outside work involving the use of their police powers within the Town of North. Pursuant to SC Code of Laws 23-24-10, officers may use Department issued uniforms, weapons and other equipment in the performance of approved off-duty police-related work. The secondary employer is responsible for the employee's worker's compensation coverage. If the secondary employer provides such coverage it is the employee's responsibility

to obtain a copy of the certificate and submit it with his/her work permit request. In the seven hour period immediately prior to reporting for duty at the Police Department, no officer may work for an outside employer. Guidelines for off-duty arrests are contained in this manual in the Procedure for Off-Duty Arrests. (Ref: CALEA 22.3.4, Item B)

- D. Police personnel shall conform to all Federal, State and municipal laws and regulations applicable to their secondary employment.
- E. Members may not use their police position to gain personal advantage in secondary employment or in any manner prejudicial to the interest of the Police Department.
- F. Disregard for or violation of any part of this policy will be considered a violation of Department policy and procedure.
- G. All requests for secondary outside employment will be governed by Department policy, submitted on the prescribed form to the Chief of Police and are subject to his/her approval. If any problems arise regarding the employee's secondary employment, the Chief will review the situation and will make the final decision relating to the continuance of the secondary employment permit. The Chief of Police has the authority to revoke any permit. (Ref: CALEA 22.3.4, Item C)
- H. Employees will be prohibited from secondary employment in bars, lounges, liquor stores, video poker parlors, towing services on the rotation list, by private security/investigation companies, repossession companies and any other employment that may present an image that appears to be a conflict of interest or to discredit the Department or the employee or which may unnecessarily expose the employee to risk that might prevent that employee from his/her maximum effectiveness for the Town of North. (Ref: CALEA 22.3.3 and 22.3.4, Item C)
- I. The Chief of Police will serve as administrator within the Department to oversee adherence to all policies, procedures and other matters deemed appropriate regarding outside employment. (Ref: CALEA 22.3.4, Item D)
- J. The work permit form shall contain the following information:
 - 1. Rank and name of officer involved.
 - 2. Date of application.
 - 3. Name of outside employer.
 - 4. Address and phone number of outside employer.
 - 5. Duties to be performed by police personnel.(Ref: CALEA 22.3.4, Item E)

- K. Members of the Department granted permission to engage in extra-duty work of a police nature will be subject to the control and supervision of on-duty supervisory officers. Approved extra-duty work will authorize the officer to use credentials and equipment provided by the Department.
- L. Any change in conditions described in the original application must be immediately submitted on a new application for approval. Termination of outside employment must immediately be submitted, in writing, to the Chief of Police.
- M. Members of the Police Department shall not report to or leave the place of outside employment in uniform or distinguishable parts thereof, except when the uniform is a legitimate part of the off-duty employment.
- N. Members shall immediately report in writing to the Chief of Police, any injuries, complaints or incidents arising from or connected with their outside employment that might adversely affect or place liability on the Department or its personnel. They must also report any court appearances as a result of off-duty employment.

(Ref: CALEA 22.3.4, Item E)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

3.12.1

Subject

National Guard/Military Reserve Service

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

United States Code, Titles 37, 38

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I. Purpose

To outline procedures for the participation of employees in the National Guard and Military Reserves.

II. Policy

The National Guard and military reserves provide a primary supplement to our nation's armed forces, increasing both the strength of the nation and the well-being of our communities. In keeping with this essential function, the North Police Department supports those Department members who participate as guardsmen or reservists, and assists them in meeting both their departmental and military obligations.

Re-employment rights of guardsmen and reservists are codified as Chapter 43 of Part III or Title 38 of the United States Code. The re-employment rights statute, as it is known, has been amended to extend coverage to guardsmen and reservists who leave a position (other than a temporary position) while in the employment of any employer in order to perform training or service. In addition, it provides for full re-employment rights and benefits to any person who is inducted into the armed forces under the Military Selective Service Act.

III. Definitions

- A. Guardsman - a person who is a member of the National Guard in any branch of the United States Armed Forces.
- B. Reservist - a person who is a member of the Reserve Forces in any branch of the United States Armed Forces.

- C. Active Duty - full-time duty in the active military service of the United States. It includes full-time training duty, annual training duty, and attendance while in the active military service, at a school designated as a service school by law or by the secretary of the military department concerned.
- D. Active Duty for Training - temporary active duty involving an actual training situation. Currently, no limit exists on the amount of time an individual may spend on active duty for training while working for a single employer.
- E. Inactive Duty for Training - duty prescribed for reserves by the secretary concerned under Section 206 of Title 37 of the United States Code (commonly referred to as weekend drill) or any other provision of law; and special additional duties authorized for reserves by an authority designated by the secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

IV. Procedure

A. Military Duty Absences from Employment

1. Allotted Time - Department members participating in a guard/reserve program are allowed 15 paid working days per calendar year for military duty, which applies only to days that the member is regularly scheduled to work for the Department. When performing military duty, Department members have the choice of using the 15 days of military time, accrued vacation time, compensatory time, leave of absence without pay, or a combination thereof. Department members ordered to active military duty by the appropriate authority during an emergency shall be entitled to a paid leave not exceeding 30 additional work days.
2. Leaves of Absence - Department members participating in a guard/reserve program may elect to take a leave of absence without pay in order to complete their military duty. During this period, the member will not receive his salary but will continue to accrue applicable benefits, i.e., seniority, status, position, anniversary date, and participation in the State Retirement System.
3. Returning to Work - Department members will report for work at the beginning of the next regularly scheduled working period after expiration of the last calendar day necessary to travel from the place of training to the place of employment following such employee's release, or within a reasonable time thereafter if delayed return is due to factors beyond the employee's control. Failure to report for work at such next regularly scheduled working period will make the employee subject to the conduct rules of the employer pertaining to explanations and discipline with respect to absence from scheduled work (Reference *U.S. Code, Chapter 43, Title 38, Section 2024*).

4. Forfeiture - Department members participating in a guard/reserve program are not obligated to use the paid military time provided. However, such time will be forfeited at the end of the calendar year in which it is accrued.
5. Compensation - A Department member performing military duty may not receive compensation for a day in which the member also worked for the Town of North. For example, an officer who works a night shift at the North Police Department may not receive an additional day's pay for military duty performed on the same calendar day. Additionally, the member will not be paid for his regularly scheduled days off.

B. Notification and Scheduling Requirements

To facilitate the smooth interaction between departmental and guard/reserve program staffing, those Department members who participate in such programs will have the following responsibilities

1. Department members will notify their immediate supervisor, in writing, of planned military duty or changes in proposed plans. This notification will be made as far in advance as possible. The Town of North Personnel Policy requires at least two weeks notice to the Chief of Police prior to the scheduled military leave.
2. Department members will attempt to plan and schedule military duty with consideration of known Department manpower requirements.
3. Department members will report any conflicts between departmental employment and military duty through the established chain of command, and such conflicts will be detailed in writing by inter-office memorandum.
4. The Department will not refuse a member time off to attend guard/reserve functions. However, there may be occasions in which the Department may request the member to attempt to reschedule the military duty due to manpower constraints, special events, emergencies, etc.
5. Department members will be required to fill out their time sheets reflecting the appropriate time taken in accordance with departmental time card procedures.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
3.13.1

Subject
Off-Duty Arrests

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 22 and SC Code of Laws, Title 17

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I. Purpose

The purpose of this policy is to provide guidelines to police officers regarding acceptable criteria for effecting an off-duty arrest.

II. Policy

It is the policy of the North Police Department that its officers use discretion and practical officer procedures if they elect to make a lawful off-duty arrest. Off-duty officers are often faced with situations involving criminal conduct that they are neither equipped nor prepared to handle in the same manner as if they were on-duty. This may lead to unnecessary injuries to off-duty officers, and confusion for those on-duty officers arriving at the scene trying to correctly assess the facts. In order to promote safety and the most efficient operations, it is the policy of the North Police Department to determine and regulate those situations and locations within which a sworn member is permitted to make an arrest while off-duty.

III. Definition

Personally Involved: Where the off-duty officer, a family member, or a friend becomes engaged in a dispute or incident with the person to be arrested or any other person connected with the incident. This does not apply to situations where the police officer is a victim of crime.

IV. Procedure

A. **Liability Protection:** The police officers of this Police Department have liability protection for the on and off-duty performance of official duties. This protection does not extend to willful acts to cause injury or damage, or to those actions that the police officer knew, or reasonably should have known, were in conflict with the established policies or customs of this Department.

B. Permitted Off-duty Arrests

When off-duty and within the legal jurisdiction of this Police Department, a police officer may make an arrest when:

1. The arresting officer is not personally involved in the incident underlying the arrest; and
2. There is an immediate need for the prevention of a crime or apprehension of a suspect; and/or
3. In the performance of approved secondary employment of a police nature (see Secondary Employment); or
4. The officer is making a citizen's arrest as provided in SC Code of Laws 17-13-10 and 17-13-20; and
5. In all cases, the arresting officer must be in possession of appropriate police identification and approved firearm to make an arrest.

C. Off-duty Responsibilities

1. While off-duty it is the responsibility of the police officer to immediately report any suspected or observed criminal activities to on-duty authorities.
2. Except as allowed by this policy, off-duty officers will not enforce traffic offenses or minor misdemeanor violations such as public drunk, open container, disorderly conduct or other quality-of-life offenses. On-duty personnel shall be contacted to respond to the situation where an off-duty officer becomes aware of such violations.
3. Where an arrest is necessary, the off-duty arresting officer shall abide by all applicable laws and departmental policies and procedures.

D. Other Prohibited Off-duty Arrests

1. When the arresting officer is personally involved in the incident underlying the arrest; or
2. When engaged in off-duty employment of a non-police nature, and the officer's actions are only in furtherance of the interests of the private employer.

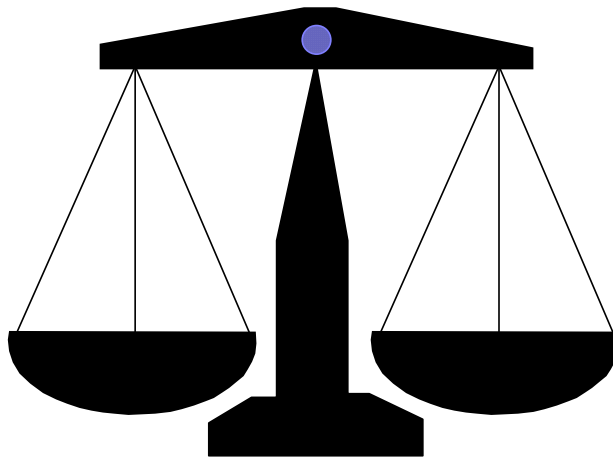
(Ref: CALEA 22.3.4, Item B)

Mark P. Fallaw
Chief of Police

Date

North Police Department

North, South Carolina



"An Effective and Efficient Agency"

Policy and Procedure Manual

Chapter 4- Auxiliary Functions

Mark P. Fallaw
Chief of Police

Chapter 4 – Auxiliary Functions

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North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
4.1.1

Subject
Community Relations

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 45

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I. Purpose

To establish guidelines for the conduct of officers while in the performance of their duties.

To promote an open dialogue between the police and the public.

To address current concerns and potential problems that impact both the police and community.

To increase community awareness about the role of police.

II. Policy

The North Police Department is committed to establishing close ties with the community and in responding to the needs of the community. The responsibility for achieving the Department's community relations objectives is shared by all members of the Department. It is the policy of the North Police Department for officers to adhere to their Oath of Office and Code of Ethics. This policy is not meant to alter or replace any other provisions of this manual. It is the responsibility of all Department personnel to promote a positive and courteous atmosphere when dealing with the general public. This is specifically important in the discharge of duties for responding to calls, investigating criminal activity or citizens. The general guidelines should be based upon the principle of a Community Oriented Policing (C.O.P) concept with a strong foundation upon prevention.

III. Procedure

A. Officers will provide the utmost respect to any person when providing assistance. This will include but not be limited to:

1. Remaining calm in the face of danger.
2. Preventing emotions from hindering the officer's actions.

3. Treating all persons in a fair and equitable manner.
 4. Preventing officer's attitude from persuading judgment.
- B. The Chief of Police shall designate one member of the North Police Department to coordinate the community relations functions of the Department. The designated person's responsibilities will include the planning and coordination of all aspects of the community relations function. The liaison will report to the Chief of Police on matters related to the community relations function.
- C. The community relations function includes the following activities:
1. Establishing liaison with formal community organizations and other community groups;
 2. Informing all personnel that they are responsible for achieving the Department's community relations objectives;
 3. Developing community relations policies for the Department;
 4. Publicizing Department objectives, problems and successes;
 5. Conveying information transmitted from citizens' organizations to the appropriate members of the Department;
 6. Recommending improvements to Department policies, procedures and practices that have a bearing on police-community relations;
 7. Identifying training needs through interviews with citizens, involvement in internal investigations and conferences with other supervisors;
 8. Assisting in establishing community groups where they are needed; and
 9. Actively requiring the participation, enthusiasm and skills of all Department personnel.
- (Ref: CALEA 45.2.1)
- D. At a minimum of every two years, beginning January 1, 2004, the North Police Department shall prepare an annual survey of citizens' attitudes and opinions with respect to:
1. Overall agency performance.
 2. Overall competence, attitude and behavior of officers toward citizens.
 3. Concern for safety and security within the respondent's immediate neighborhood and in the community as a whole.

4. Suggestions and recommendations for improving service to the community.

(Ref: CALEA 45.2.3)

- E. The survey will be conducted by means of random sampling of persons (residents and non-residents) having contact with police officers in the line of duty. The compilation of these surveys will comprise the Citizens' Survey. The Staff Assistant will be responsible for the selection and mailing of surveys to citizens selected from Incident Reports, Traffic Accident Reports and traffic citations.
- F. The North Police Department is committed to correcting any actions, practices or attitudes within the Department that may have an adverse impact on community relations, community tensions and grievances. This shall be accomplished through review of policies and procedures, staff training and other personnel actions.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

4.1.2

Subject

Community Relations/Media Relations

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 45 and North Police Department's Policy and Procedure Manual, Chapter 2

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I. Purpose

To establish guidelines for the conduct of officers while in the performance of their duties, specifically in responding to requests from the media.

II. Policy

It is the policy of the North Police Department to maintain effective communications with the media. Officers will adhere to their Oath of Office, Code of Ethics and related guidelines for providing information. This policy is not meant to alter or replace any provisions for any sections of this manual specifically meant to regulate contact with the media or release of certain information. It is the responsibility of all Department personnel to promote a positive and courteous atmosphere when dealing with the general public and the media. This is specifically important in the discharge of duties and when providing general and sensitive information.

III. Procedure

A. General

Officers will provide the utmost respect to any media official or representative when providing assistance. Officers are prohibited from providing any information to the media except as outlined in the Public Information section outlined in Chapter 2 of this manual. Officers should refer all inquiries for information to the Chief who will either address those inquiries or consult with the Police Commissioner, Mayor, Town Council or other Town officials.

B. Critical Incidents

Incidents of a critical nature may present officers with a dilemma of situating the media on-scene. These persons should be staged in an area out of harms way, but as close as practical and in compliance with the Public Information section of this manual. The representatives should be provided with general information of when a Police Department delegate can be expected to give reports. The Chief of Police or his designee will provide officers with this information. This information should be relayed in a positive and courteous manner as to foster and promote a direct working relationship with the media.

(Ref: CALEA 45.2.1)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

4.1.3

Subject

Community Relations and Crime Awareness

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 45

Distribution

All Personnel

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Pages

3

I. Purpose

To establish guidelines for the community relations and crime awareness functions.

II. Policy

It is the policy of the North Police Department to promote a positive and mutually beneficial relationship with the public. The Department will address current concerns and potential problems that may impact both law enforcement and members of the community. The responsibility of crime awareness is placed on the Chief of Police and he will coordinate the crime awareness and community relations functions of the Department. All Department personnel share the responsibility for community relations. The overall coordination will be the responsibility of the Training Coordinator.

III. Procedure

A. Community Relations

1. The community relations function will provide the following:
 - a. Maintain a liaison with formal Town organizations, community and other area organizations and/or other community groups;
(Ref: CALEA 45.2.1, Item A)
 - b. Inform all personnel that it is the responsibility of all employees to promote positive community relations;
(Ref: CALEA 45.2.1, Item B)
 - c. Develop community relations policies for the Department;
(Ref: CALEA 45.2.1, Item C)
 - d. Publicize the objectives, problems and successes of the Department;
(Ref: CALEA 45.2.1, Item D)

- (1) Forward information received from Town organizations to appropriate Department personnel;
(Ref: CALEA 45.2.1, Item E)
- (2) Recommend improvements to policies, procedures, and practices that pertain to police-community relations;
(Ref: CALEA 45.2.1, Item F)
- (3) Identify training needs through interviews with citizens and organizations; involvement in internal committees, etc.; and
(Ref: CALEA 45.2.1, Item G)
- (4) Assist in the establishment of community service organizations where they are needed.
(Ref: CALEA 45.2.1, Item H)

2. Quarterly Progress Report

- a. The Investigator will prepare and submit to the Chief of Police a quarterly report that will include the following:
 - (1) Current concerns voiced by the community;
(Ref: CALEA 45.2.2, Item A)
 - (2) A description of potential problems that pertain to law enforcement activities in the Town; and
(Ref: CALEA 45.2.2, Item B)
 - (3) Recommendations concerning actions that address those problems or concerns identified in the report.
(Ref: CALEA 45.2.2, Item C)
- b. Once completed and reviewed by the Chief of Police, copies of the report will be forwarded to the Police Commissioner. The Chief of Police will address the contents of the report during the next scheduled supervisors meeting. The supervisors will then brief their subordinates and take any necessary action.
- c. Concerns and problems, which have been addressed in the report, will be discussed and actions may be taken, if so decided by the Chief of Police, to correct or solve them.
(Ref: CALEA 45.2.2)

3. Citizens' Survey (Ref: CALEA 45.2.3)

The Investigator or a person designated by the Chief of Police will complete a survey at least once every two years. The survey will address citizen attitudes and opinions of the Department with respect to:

- a. Overall agency performance; (Ref: CALEA 45.2.3, Item A)
- b. Overall competence and attitude of officers, and behavior of officers towards citizens; (Ref: CALEA 45.2.3, Items B and C)
- c. Concerns about safety and security within the Town Community; and (Ref: CALEA 45.2.2, Item D)
- d. Suggested or recommended improvements in services provided. (Ref: CALEA 45.2.2, Item E)

B. Crime Awareness

- 1. The Investigator will distribute safety information and conduct crime awareness presentations to community groups, students and/or other members of the community.
- 2. The Investigator will also target programs to address community perceptions or misperceptions of crime. In order to identify those areas, the Investigator will contact leaders of the community to request information regarding the perception of criminal activity.
(Ref: CALEA 45.1.1, Item B)
- 3. The Investigator will actively participate in the training of citizens or employees in this capacity. The training will include personal safety, property safety, drug and alcohol issues, and the public's relationship with law enforcement.
(Ref: CALEA 45.1.2)
- 4. To evaluate the effectiveness of crime awareness programs, the Investigator will perform the following tasks:
 - a. Distribute to and collect program evaluation forms from participants upon completion of a crime awareness program.
 - b. Analyze the responses indicated on evaluation forms and complete a report of the results of that analysis.
 - c. Determine whether modifications should be made concerning program instruction methods or content based on report findings.
 - d. Consider whether a program merits continuation or should be discontinued based on report findings.
(Ref: CALEA 45.1.1, Item C)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
4.1.4

Subject
Community Relations/VIP Transports

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 45

Distribution
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2

I. Purpose

To establish guidelines for the transportation of senior executives and VIPs including but not limited to elected officials and any other VIPs, guests, visitors, dignitaries or other individuals as may be required or designated.

II. Policy

It is the policy of the North Police Department to transport dignitaries and other individuals as may be needed or required. These transports are to be inclusive of requests by the Mayor, Police Commissioner, other senior executive staff or at the direction of the Chief of Police or his designee. It is the responsibility of all Department personnel to promote a positive and courteous atmosphere for any transport. Officers will ensure the utmost care for safety and security while conducting transports.
(Ref: CALEA 45.2.1)

III. Procedure

A. Executive Transports

The Mayor or other authorized persons requesting transports by the Police Department will notify the Department in writing in advance of the transport. The Department shall be advised of information pertaining to the type transport, person being transported, dates and times of transport, destination of transport and any other pertinent information.

B. The Chief of Police, Captain or designated representative of the Department will review requests and assign an officer to complete the transport. Special Operations personnel will normally complete routine and special transports unless otherwise assigned by the Chief or his designee.

- C. Upon assignment of a special transport, the officer will:
1. Complete the Special Transport Request form;
 2. Use a suitable Police Department vehicle;
 3. Arrive at the transport location 15 minutes prior to the designated time;
 4. Be in possession of an operable cellular telephone;
 5. Dress in appropriate attire. Unless prior provisions have been determined, officers will complete transports in a Department-authorized uniform;
- D. Requests by the Mayor for special transportation of an elected official will require additional procedures.
1. The officer will comply with any direct orders by the Mayor or his designee.
 2. The officer will wait in his/her vehicle until addressed by the official or until provided with additional details concerning the transport.
- E. In addition to the above procedures concerning special transport requests made by the Mayor and documented on the Special Transport Request form, the Captain or Lieutenant will;
1. Make written assignment of the detail.
 2. Provide the assigned officer advance written notification.
 3. Post the notification in the memo book and send the officer an email as to ensure that all officers are aware of the transport.
 4. Return confirmation of the transport to the Mayor or requesting dignitary.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

4.2.1

Subject

Crime Prevention

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 45

Distribution

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2

I. Purpose

To inform citizens of the Town of North of crime prevention methods to avoid, prevent or minimize personal injury or loss of property resulting from criminal activity.

To reduce crime in the community through targeted programs and to increase the opportunity to arrest offenders.

II. Policy

It is the policy of the North Police Department to be totally committed to the task of reducing crime. This agency will develop and perpetuate community crime prevention programs, develop and participate in educational programs with students and citizens of North, and will participate in selected proactive crime prevention programs to reduce the opportunity and the desire of potential offenders to commit a crime, thus providing a safer and better quality of life for our citizens.

III. Procedure

- A. The Chief of Police will designate one member of the North Police Department to coordinate the crime prevention functions of the Department. The designated person's responsibilities will include the planning and coordination of crime prevention activities.
- B. The officer appointed by the Chief of Police shall possess a general knowledge of crime prevention theories and practices, and shall be assisted by other officers as needed. The officer will report directly to the Chief of Police on matters related to the crime prevention function.

- C. The crime prevention officer shall assist and aid community groups or individuals in the organizing and development of crime prevention programs or activities in the residential and business areas of North. The officer shall serve as a liaison to these groups and individuals. The primary groups involved in this activity are the Neighborhood Crime Watches representing various neighborhoods throughout the Town. (Ref: CALEA 45.1.2)
- E. The crime prevention officer shall assist and aid in the development of crime prevention programs for all concerned groups in the Town of North. Programs shall be targeted to specific areas and shall be available upon request. Programs may include neighborhood watches, security surveys, marking property, and disseminating information to the concerned groups.
- F. The crime prevention officer shall maintain liaison with community groups, neighborhood groups, business groups, and other North civic groups having an interest in community activities and evaluate their needs for crime prevention services. The crime prevention officer shall also maintain liaison with associations that may benefit the community from outside of the Town of North.
- G. The crime prevention officer shall keep all members of the Department advised of crime prevention activities and will actively seek their assistance and participation in the programs.
- H. Upon request by the Town Administrator and/or the Mayor, the Chief of Police will review proposed revisions of Town zoning policies, planning commission guidelines, building codes and residential and commercial building permits. The Chief of Police, with the advice and assistance of the crime prevention officer, will make appropriate crime prevention recommendations to the Town Administrator and/or Mayor.

(Ref: CALEA 45.1.3)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

4.2.2

Subject

Amends/Supersedes

None

Related Standards/Statutes/References/Policies

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North
Police Department

Directive Type

General Order

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April 1, 2004

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4.2.3

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None

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North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

4.2.4

Subject

Crime Awareness

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 45

Distribution

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3

I. Purpose

To establish guidelines for the crime awareness and community relations functions.

II. Policy

It is the policy of the North Police Department to promote a positive and mutually beneficial relationship with the public. The Department will address current concerns and potential problems that may impact both law enforcement and members of the community. The responsibility of crime awareness is placed on the Chief of Police and he will coordinate the crime awareness and community relation's functions of the Department. All Department personnel share the responsibility for community relations. The overall coordination will be the responsibility of the Training Coordinator.

III. Procedure

A. Community Relations

1. The community relations function will provide the following:

- a. Maintain a liaison with formal community organizations and other community groups; (Ref: CALEA 45.2.1, Item A)
- b. Inform all personnel that it is the responsibility of all employees to promote positive community relations; (Ref: CALEA 45.2.1, Item B)
- c. Develop community relations policies for the Department; (Ref: CALEA 45.2.1, Item C)
- d. Publicize the objectives, problems and successes of the Department; (Ref: CALEA 45.2.1, Item D)

- e. Forward information received from community organizations to appropriate Department personnel;
(Ref: CALEA 45.2.1, Item E)
- f. Recommend improvements to policies, procedures, and practices that pertain to police-community relations;
(Ref: CALEA 45.2.1, Item F)
- g. Identification of training needs through interviews with community members, organizations and/or involvement in internal committees, etc.; and (Ref: CALEA 45.2.1, Item G)
- h. Assist in the establishment of community service organizations where they are needed. (Ref: CALEA 45.2.1, Item H)

2. Quarterly Progress Report

- a. The Investigator will prepare and submit to the Chief of Police a quarterly report that will include the following:
 - (1) Current concerns voiced by the community;
(Ref: CALEA 45.2.2, Item A)
 - (2) A description of potential problems that pertain to law enforcement activities in the community; and
(Ref: CALEA 45.2.2, Item B)
 - (3) Recommendations concerning actions that address those problems or concern identified in the report.
(Ref: CALEA 45.2.2, Item C)
- b. Once completed and reviewed by the Chief of Police, copies of the report will be forwarded to the Mayor. The Chief of Police will address the contents of the report during the next scheduled supervisors meeting. The supervisors will then brief their subordinates and take any necessary action.
- c. Concerns and problems that have been addressed in the report will be discussed and actions may be taken, if so decided by the Chief of Police, to correct or solve them.
(Ref: CALEA 45.2.2)

3. Citizen Survey (Ref: CALEA 45.2.3)

The Investigator or a person designated by the Chief of Police will complete a survey at least once every two years. The survey will address citizens' attitudes and opinions of the Department with respect to:

- a. Overall agency performance; (Ref: CALEA 45.2.3, Item A)
- b. Overall competence and attitude of officers, and behavior of officers towards citizens; (Ref: CALEA 45.2.3, Item B and C)
- c. Concerns about safety and security within the Town; and
(Ref: CALEA 45.2.2, Item D)
- d. Suggested or recommended improvements in services provided.
(Ref: CALEA 45.2.2, Item E)

B. Crime Awareness

- 1. The Investigator will distribute safety information and conduct crime awareness presentations to community groups, students and other members of the community.
- 2. The Investigator will also oversee programs to address and target community perceptions or misperceptions of crime. In order to identify those areas, the Investigator will contact leaders of community organizations, schools, student groups and businesses to request information regarding the perception of criminal activity.
(Ref: CALEA 45.1.1, Item B)
- 3. To evaluate the effectiveness of crime awareness programs, the Investigator will perform the following tasks:
 - a. Distribute and collect program evaluation forms to participants upon completion of a crime awareness program.
 - b. Analyze the responses indicated on evaluation forms and complete a report of the results of that analysis.
 - c. Determine whether modifications should be made concerning program instruction methods or content based on report findings.
 - d. Consider whether a program merits continuation or should be discontinued based on report findings.
(Ref: CALEA 45.1.1, Item C)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

4.2.5

Subject

Amends/Supersedes

None

Related Standards/Statutes/References/Policies

CALEA Chapter

Distribution

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North
Police Department

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General Order

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4.2.6

Subject

Amends/Supersedes

None

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CALEA Chapter

Distribution

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North
Police Department

Directive Type

General Order

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4.2.7

Subject

Crime Analysis

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 15

Distribution

All Personnel

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Pages

3

I. Purpose

The purpose of the analysis of crime trends in the community is to provide current and useful information of criminal activity to all operational components within the Department. Operational and administrative personnel use this information to allocate personnel and to develop strategies for the reduction of crime.

II. Policy

It is the policy of the North Police Department to analyze incidents of crime. The analysis should provide information on the methods of operation of individual criminals, crime patterns, and data from field interviews and arrests. Information should be used in both short and long term departmental planning efforts and should estimate future crime trends and identify enforcement priorities.

III. Procedure

A. Responsibility and Authority

Crime analysis is a function of the Investigative Section of the North Police Department, and falls under the direction of the Chief.

B. Analysis/Source Documents

1. Crime data should be gathered from all available sources, which may include, but not be limited to: (Ref: CALEA 15.1.1, Item A)
 - a. Incident Reports;
 - b. Supplemental Reports;
 - c. Arrest and Booking Reports;
 - d. Field Interview cards;

- e. Information reports;
 - f. Confidential information sources; and/or
 - g. Officer observations.
2. In addition, the Crime Analyst will be responsible for defining the crime by victim or target preference, suspect and suspect vehicle description, modus operandi, and any physical evidence.
3. The analysis will include all the following available information:
(Ref: CALEA 15.1.2)
- a. Similarities of offenses that may show patterns in the characteristics of current crime problems;
 - b. Frequency by type crime; (Ref: CALEA 15.1.2, Item A)
 - c. Geographic factors; (Ref: CALEA 15.1.2, Item B)
 - d. Temporal factors; (Ref: CALEA 15.1.2, Item C)
 - e. Victim and target descriptors; (Ref: CALEA 15.1.2, Item D)
 - f. Suspect and vehicle descriptors;
(Ref: CALEA 15.1.2, Item E & F)
 - g. Modus operandi; and (Ref: CALEA 15.1.2, Item G)
 - h. Any physical evidence information.
(Ref: CALEA 15.1.2, Item H)

A comparison of incident characteristics with similar data on file and identification of patterns and trends will be included.

4. Included in the crime analysis report will be any actual or potential police hazards that officers may encounter on the street.
(Ref: CALEA 15.1.1, Item C)

C. Information Distribution

1. The Crime Analyst will disseminate a report to administrative and operational components at least monthly. The Crime Analyst will also prepare a report for the Chief and the Mayor. He/she will brief the Chief on current crime patterns and trends. This briefing should be done at least monthly and more often if necessary.
(Ref: CALEA 15.1.1, Items E & G)

2. Crime analysis information will be distributed to at least the following:
 - a. The Chief;
 - b. The Uniform Patrol Shift Supervisors; and
 - c. The Investigations Section.
3. The crime analysis information is for law enforcement purposes only and should not be released to the media or public unless previously authorized by the Chief or his designee, and in accordance with the Public Information section of this manual.
4. The Chief will request feedback from the affected units on the value of information provided by the crime analysis and any suggestions for improvement. This feedback will be used to evaluate the effectiveness of the crime analysis program.

(Ref: CALEA 15.1.1, Item F)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

4.3.1

Subject

Victim/Witness Assistance

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 55 and SC Code of Laws, Title 16

Distribution

All Personnel

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10

I. Purpose

To provide employees of North Police Department with a summary of the rights of victims and witnesses of North, South Carolina.

To provide social assistance, referral, emotional support or other help to persons who are physically, financially, or emotionally harmed by crime.

To reduce the number of cases dismissed due to victim/witness related problems after arrest but before conviction.

To provide professional handling by police to victims/witnesses consistent with their important investigative and prosecutorial role.

To protect the rights of victims and witnesses and meet the obligations in victim/witness assistance that are mandated by law.

II. Policy

It is the policy of the North Police Department to treat victims and witnesses of crime with fairness, compassion, and dignity. This Department is further committed to the development, implementation, and perpetuation of appropriate victim/witness assistance programs and activities that will provide victims of and witnesses to crime with all reasonable assistance to protect the victim/witness from future harm, to nurture cooperation between the police and the victim/witness, and to enhance the willingness on the part of the victim/witness to assist in the prosecution of criminal offenders. Additionally, it is the policy of the North Police Department to inform all of its officials concerning the rights of victim/witnesses as enacted by the South Carolina General Assembly.

III. Definitions

A. Victim

A person who suffers direct or threatened physical, financial, or emotional harm as the direct result of a felony or misdemeanor committed upon his or her person or property. Also regarded as victims are (1) a spouse, child, parent, or legal guardian of a minor victim and (2) a spouse, child, sibling, parent, or legal guardian of a homicide victim. (The definition excludes any person involved in a crime as a perpetrator or accomplice.)

B. Victim Advocate

A person authorized by the agency to assist victims in specified ways. Such advocates may be agency members (sworn or non-sworn) or volunteers (unpaid citizens).

C. Witness

A person who--as determined by the law enforcement agency--has information or evidence relevant to the investigation of a specified crime and may be called to testify in court. When the witness is a minor, the term "witness" includes an appropriate family member. "Witness" includes neither defense witnesses nor anyone involved in the crime as a perpetrator or accomplice. (All victims are witnesses.) (Ref: CALEA 55.1.1)

IV. Procedures

A. Rights of Victims/Witnesses

Victims and Witnesses of the state of South Carolina have the following rights as legislated by law (Title 16, Article 15):

1. Victims and witnesses have a right to be treated with dignity and compassion.
2. Victims and witness have a right to protection from intimidation and harm.
3. Victims and witnesses have a right to be informed concerning the criminal justice process.
4. Victims and witnesses have a right to reparations.
5. Victims and witnesses have a right to preservation of property and employment.
6. Victims and witnesses have a right to be informed of and present at criminal court proceedings.

7. Victims and witnesses who are very young, elderly, who are handicapped or who have special needs, have a right to special recognition and attention by all criminal justice, medical, and social service agencies.
8. Victims and witnesses have the right to submit a Victim's Impact Statement to the Court.

(Ref: CALEA 55.1.1)

B. Law Enforcement Assistance to Victims/Witnesses

1. The officer who initiates the first contact with the victim/witness will:
 - a. Provide emergency first aid as required and summon emergency medical assistance as needed.
 - b. Provide crisis intervention, to include defusing any potentially dangerous situations, interviewing the victim/witness and identifying his or her most serious needs, developing a plan of action to meet those needs, and providing on-scene comfort to the victim/witness.
 - c. Provide a copy of the Victim's Rights, Responsibilities and Information form to the victim/witness and inform the victim/witness of the Victim's Advocate.
2. As designated by the Chief of Police, the Victim's Advocate and/or Victim's Advocate Volunteer will provide:
 - a. Referrals for crisis counseling, including meeting the most urgent emotional or physical needs of victims/witnesses as they arise.
 - b. Conflict mediation, including assistance in resolving family disputes and neighborhood/acquaintance or friend disputes without having to activate the criminal justice system as those disputes relate to pending actions in the criminal justice system.
 - c. Shelter and other emergency aid, including locating temporary housing for victims/witnesses who cannot safely remain in their current residence, and identifying agencies that may provide food and/or emergency financial assistance.
 - d. Referrals, including information about victim compensation programs (Governor's Office of Victim Assistance) medical assistance, counseling, and other sources of victim assistance available.

- e. Follow-up counseling and referrals as needed.
- f. Personal victim advocacy, including acting on behalf of victims/witnesses to secure their rights via other social service agencies and the criminal justice system.
(Ref: CALEA 55.1.3, Item A)

C. Confidentiality of Records and Files

The confidentiality of the identity of victims and witnesses and their roles in case development will be maintained. All victim/witness assistance records and information are confidential and will not be released without the approval of the Chief of Police.
(Ref: CALEA 55.1.3, Item B)

D. Public Information Regarding Victims/Witnesses Programs

- 1. The North Police Department is committed to informing the media and public about its victim/witness assistance programs.
- 2. Officers will inform the public through the distribution of Victim/Witness Rights, Responsibilities and Information forms.
- 3. The Chief of Police will release information to the news media to inform the community of the Department's Victim/Witness Assistance Program.
(Ref: CALEA 55.1.3, Item C)

E. Relationship With Other Victim/Witness Assistance Agencies

The North Police Department will maintain accurate and up-to-date information regarding services offered by other agencies within the service area through:

- 1. The development and maintenance of a "Victim/Witness Assistance Resource Manual" describing the services offered by other agencies.
- 2. The cultivation of relationships between other victim advocates and agencies and the Chief of Police and Victim's Advocate Volunteer.
 - a. The Victim's Advocate and/or Victim's Advocate Volunteer upon assuming his/her position will meet with a representative of the primary assistance providers to learn what services the agency provides and how the North Police Department and the agency can coordinate their activities.
 - b. These relations will be further enhanced by on-going correspondence between the Victim's Advocate and other agencies.

- c. Whenever possible, the Victim's Advocate Volunteer will attend seminars and training sessions offered to victim advocates in the area.

(Ref: CALEA 55.1.3, Item D)

F. Protection of a Victim/Witness from Intimidation

1. North Police Officers will be aware of the potential for intimidation or further victimization of victims or witnesses. Officers will attempt to ascertain the degree of seriousness of the threat or perceived threat. The officer will attempt to reassure frightened victims or witnesses and will advise them to call 9-1-1 to report any threats or other criminal acts.
2. Exceptional protective measures may be implemented by the North Police Department to protect victims/witnesses for whom there is a real and substantial danger of physical harm or emotional distress. The specific level of physical or emotional harm required to necessitate these measures will be determined by the investigating officer and the Chief of Police. The officer will notify the Chief of Police when exceptional means will be required to protect a victim or witness. Such exceptional protective measures may include:
 - a. Persuading a victim to take up temporary residence at a relative's home or at a hotel until court injunction and/or arrest can be made.
 - b. Use of on-duty police officers at a fixed post outside the residence of the victim/witness (note: this solution should only be used when other alternatives are not feasible).
 - c. Protective custody of a material witness to a homicide or other serious felony, when there is a likelihood that there will be violence against the victim/witness (note: this solution cannot be used without specific permission from the Chief of Police and the appropriate Solicitor's office).
 - d. Providing a police escort and/or ensuring that victim/witness has safe transportation to court and other phases of the criminal justice process when there is the potential for the victim to come into contact with the perpetrator of the intimidation.
 - e. Providing a portable police radio to a victim or witness with instructions on how to use it to call for further assistance.
3. Whenever a North Police Officer is made aware of potential physical or serious emotional danger to a victim/witness who resides in another jurisdiction, the officer will:

- a. Contact the supervisor of the appropriate law enforcement agency; advise of the circumstances of the incident; the nature of the threat; and request that reasonable precautions and/or protective measures be implemented by that agency.
- b. Request that the investigating officer of the case be advised of any additional information received by other agencies concerning the victim/witness.
- c. Document the name of the persons who were advised from the agency with jurisdiction, and document all pertinent information in an Incident Report.

(Ref: CALEA 55.2.2)

G. Services Rendered To Victim/Witness During The Preliminary Investigation

During the preliminary investigation, the officer will render the following victim/witness assistance services:

1. Provide the victim/witness with a North Police Department Victim/Witness Rights, Responsibilities and Information form, which contains information about applicable services, including counseling, medical attention, compensation programs, emergency financial assistance, and victim advocacy. (Ref: CALEA 55.2.3, Item A)
2. Advise the victim/witness about measures he or she should take in the event that the suspect or any of the suspect's associates threatens or otherwise intimidates him or her. This information is contained on the "Victim Services" card. (Ref: CALEA 55.2.3, Item B)
3. Inform the victim/witness of the case number (if known by the officer) and subsequent steps in the processing of the case. (Ref: CALEA 55.2.3, Item C)
4. Provide the telephone numbers and names of the investigating officer and the North Police Department Victim's Advocate and/or Victim's Advocate Volunteer. Inform the victim/witness to notify the investigating officer should he or she have additional information to report about the case, or to receive information about the status of the case.
5. Fill out the Victim Impact Notification form so the victim/witness can be notified of any subsequent hearings and any change in the custody status of any person arrested for the offence. (Ref: CALEA 55.2.3, Item D)

H. Services Rendered To Victim/Witness During Follow-Up Investigation

1. During the course of an on-going investigation before arrest for a crime against a person or a property crime where the loss or damage exceeds \$1,000.00, the Victim's Advocate and/or Victim's Advocate Volunteer will provide the following victim/witness assistance services:
 - a. A victim/witness will be re-contacted within ten days of the initiation of an investigation when, in the opinion of the investigating officer or the Chief of Police, the impact of the crime has been severe upon a victim/witness. The purpose of this contact is to ensure that the victim/witness's needs are being met and to determine if additional assistance by North Police Department is merited. The Victim's Advocate and/or Victim's Advocate Volunteer may use the "Victim Assistance Resource" manual for further guidance. (Ref: CALEA 55.2.4, Item A)
 - b. The Victim's Advocate and/or Victim's Advocate Volunteer or investigating officer will explain to the victim/witness the procedures involved in the prosecution of his or her case and his or her role in the process if this will not endanger the successful prosecution of the case. (Ref: CALEA 55.2.4, Item B)
2. The investigating officer will provide the following victim/witness assistance services:
 - a. Scheduling line-ups, interviews, and other required appearances should be at the convenience of the victim/witness whenever feasible. Factors that should be considered in this scheduling include the physical, financial and emotional wellbeing of the victim/witness. If necessary, the officer will arrange or provide transportation to and from the Police Department for the victim/witness. (Ref: CALEA 55.2.4, Item C)
 - b. Whenever possible, victim/witness's property taken as evidence by the Department will be promptly returned within fourteen days of its completed use (the only exceptions to this are contraband, disputed property, and weapons used in the course of the crime). Photographs will be taken of the property prior to release and made a part of the case file. Any questions regarding release of property will be forwarded to the Chief of Police (Ref: CALEA 55.2.4, Item D)
 - c. The Records Department or the officer will notify the Victim's Advocate and/or Victim's Advocate Volunteer in cases involving victims/witnesses of crimes against persons and property crimes where the loss or damage exceeds \$1,000.00. All victims of these crimes in North will be assigned a Victim's Advocate. The Victim's Advocate will offer support and encouragement, as well as serve as a contact between the victim/witness and other

agencies. The Victim's Advocate will determine the extent of assistance needed by the victim and will develop a plan for ensuring that the victim receives that assistance. The Victim's Advocate and/or Victim's Advocate Volunteer will also have access to the "Victim Assistance Resource" manual to assist him or her in providing services to the victim/witness.

(Ref: CALEA 55.2.4, Item E)

I. Services Rendered Upon Arrest and During Post-Arrest Processing of Suspect

1. Whenever a perpetrator of a crime is arrested, the victim/witness will be notified of the arrest, the criminal charges, the date of arraignment (if known), the immediate custody status (citation or incarceration) and bail bond information (if known) in the timeliest manner possible by the investigating or arresting officer.
2. The appropriate county Detention Center, by law, must notify the victim/witness of any changes in the custody status of the perpetrator.

(Ref: CALEA 55.2.5)

J. Victim/Witness Services to Department Personnel

In the event that a North police officer is killed or seriously injured as the result of a line-of-duty incident, Department personnel will provide the most appropriate and extensive assistance necessary. The Chief of Police will direct this assistance. Such assistance will include, but is not limited to, the following:

1. Timely and compassionate notification of the spouse or other next of kin by the Chief of Police and Police Chaplain.
2. The Police Chaplain, Chief of Police and Patrol supervisor will assist the family of the deceased or injured officer(s) at the hospital.
3. The Police Chaplain, Chief of Police and all police employees will support the family at the funeral and burial of slain officer.
4. The Victim's Advocate and/or Victim's Advocate Volunteer will provide assistance in legal and benefits matters to include specific benefits for an officer who is killed in the line of duty.
5. The Victim's Advocate and/or Victim's Advocate Volunteer will offer counseling and other assistance regarding finances and other potential crises.
6. The Victim's Advocate and/or Victim's Advocate Volunteer and the Chief of Police will support the family during any criminal proceedings, if any.

7. The Victim's Advocate and/or Victim's Advocate Volunteer and the Chief of Police will maintain long-term contact with the family and actively seek to stay informed of their continuing needs.

(Ref: CALEA 55.2.6)

K. Notification of Next-of-Kin of Seriously Injured or Deceased Persons (see also Emergency Notifications Policy)

1. Whenever a notification of citizens must be made in any instance of death, serious injury or illness, or any other circumstance likely to produce shock in the citizen when the notification is received, the notification shall be made in person (and not by telephone) by the supervisor. The supervisor shall make a reasonable effort to check the validity of the information the request for notification is based on before making the notification. If the request is coming from out of town, the caller should be told to contact their local law enforcement agency to send a teletype message making the request.
2. If the person to be notified is not located in the Town of North, the police agency in which the person to be notified is located shall be contacted and that agency shall be requested to make the notification in person and to respond to the North Police Department supervisor that the notification has been made.
3. In notifications of this nature, the notification shall be made on a priority basis.
4. Only supervisors shall make notifications of the next of kin of deceased, seriously injured or seriously ill persons. Police officers making notifications will be compassionate when making these notifications. The supervisor will request the police chaplain to accompany him/her to make the notification. Additionally, a good procedure is to have a family member, a friend, or neighbor present to console the person after the notification has been made. Officers may stay with a person notified of a death or other tragedy until an acquaintance is present, if circumstances so dictate.

(Ref: CALEA 55.2.7)

L. Prohibited Actions When Dealing With A Victim/Witness

In any contact with a victim/witness, officers of North Police Department will not cause unnecessary distress to that individual. In dealing with victims/witnesses, officers will demonstrate concern for the person, and will avoid the following circumstances:

1. Insensitive and unnecessary questioning.
2. Attitudes that suggest that the victim contributed to the victimization.

3. Overt failure to inform the victim/witness of status of the case, court dates, and the outcome of the case.
4. Ignoring the legitimate fear of the victim for further harm.
5. Contributing to the delay or dismissal of a case.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

4.4.1

Subject

Amends/Supersedes

None

Related Standards/Statutes/References/Policies

CALEA Chapter

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North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

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4.5.1

Subject
Reserve Police Officers

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 16 and SC Code of Laws, Title 23

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4

I. Purpose

To establish guidelines for the operation of the Police Reserve Unit.

II. Policy

Operation of the Police Reserve Unit will be in accordance with applicable State law and regulations promulgated by the Law Enforcement Training Council.

III. Procedure

A. Police Reserve Unit

1. The North Police Reserve Unit was established as a volunteer service organization (non-salaried) to aid and supplement the North Police Department as directed by the Chief of Police. The Police Reserve Unit is used primarily to provide routine patrol duties and emergency patrol support, but it may also supplement other units within the Department where need exists and where maximum utilization of special skills possessed by the reserve officer will benefit the Department.
(Ref: CALEA 16.4.1 and 16.4.5)
2. The North Police Reserve Unit is organized under the authority of the Chief of Police. The term of office for each reserve officer is the same as that of the Chief of Police. All reserve officers serve at the pleasure of the Chief. The unit is organized under SC Code of Laws 23-28-10 through 23-28-120, which grants the reserve officers law enforcement powers equivalent to full time officers while on duty. The Police Reserve Unit will normally function as part of the Patrol Division. The Chief may appoint a designee to supervise and serve as Reserve Coordinator.
(Ref: CALEA 16.4.1)

3. There is no rank within the Police Reserve Unit. All members are in the grade of Reserve Police Officers and carry the rank of Reserve Police Officer (RPO). The officers are under the supervision of the Reserve Coordinator and the respective shift supervisor for the shift assigned during their duty.
4. By state law, the number of reserve officers may not exceed the number of regular officers. The number of regular police officers may not be reduced because of the use of reserve officers.
(Ref: CALEA 16.4.1)

B. Selection and Training

1. Reserve police applicants must make application and comply with all the same requirements of the selection process as required of full time officers. These requirements include being at least 21 years old, high school/GED graduate, a satisfactory background investigation, medical exam, psychological exam, interview board, drug screening, and any other components required by the Department. (Ref: CALEA 16.4.2)
2. The maximum service age for reserve officers will be the same as that of regular officers. (Ref: CALEA 16.4.3)
3. All reserve officer trainees must successfully complete all basic reserve training courses prior to being sworn in by the Chief of Police and commissioned as reserve officers. The required training consists of the training mandated by SC Code of Laws 23-28-30. Additionally, it includes ASP Baton certifications, Oleoresin Capsicum training, criminal law, traffic law, drivers training, first aid, officer safety, patrol techniques and any other training later mandated by law or department policy. (Ref: CALEA 16.4.4)
4. Reserve officers must successfully complete 20 hours of in-service training annually. Officers must complete in-service training each month, which counts toward the 20-hour requirement. Reserve officers must meet the same firearm qualification requirements as regular officers. All training will be coordinated by the Department training officer. The Training Officer is responsible for sending verification of the in-service training to the South Carolina Criminal Justice Academy.
(Ref: CALEA 16.4.8 and 16.4.9)

C. Equipment

The Department will provide each reserve officer with all the necessary equipment, uniforms, and weapons for the performance of his/her duties. Except for the quantity issued, each reserve officer will receive uniforms and equipment equal to that of regular officers. Reserve officers will wear the same uniform as regular officers. The issued items will be recorded on an inventory sheet in each reservist's file. Reserve officers will be responsible for the proper maintenance and care of the items issued to them. Any issued items that become damaged or lost will be reported to the Reserve Coordinator. (Ref: CALEA 16.4.7)

D. General Guidelines

1. Each reserve officer will be responsible for knowledge of and compliance with all rules, regulations, orders, policies and procedures of the North Police Department.
2. As required by SC Code of Laws 23-28-100, reserve officers must work in uniform at all times.
3. As required by SC Code of Laws 23-28-70, reserve officers must work a minimum of 20 hours per month or 60 hours per quarter. For reporting purposes, the quarters will be based on the calendar year.
4. Reserve officers are bonded with the same coverage provided to regular officers. (Ref: CALEA 16.4.10)
5. Reserve officers are provided with public liability protection equal to that of regular officers. (Ref: CALEA 16.4.11)
6. Reserve officers, in accordance with SC Code of Laws 16-23-20, are permitted to carry firearms.
7. When reporting for duty, reserve officers must report to the shift supervisor for approval to work and for duty assignment. All scheduled activity is subject to review by the Reserve Coordinator.
8. Reserve officers will often be assigned to work with a regular officer.
9. A reserve officer may be assigned to solo duty at the discretion of a patrol supervisor, provided the reserve has completed the Field Training Program. In such assignments he/she must always be in radio contact with a regular officer.
10. If the reserve officer is assigned to work with another officer and the regular officer leaves the patrol unit, be it for a traffic stop, family dispute, pedestrian contact, etc., the reserve officer shall also leave the patrol unit and take a position as the cover officer unless otherwise instructed.

11. A reserve officer shall not interrupt a regular officer while he/she is making contact with the public or conducting an investigation. If the reserve officer thinks that something has been missed, he/she may bring it to the attention of the regular officer but shall do so only when the opportunity presents itself.
12. No reserve officer shall disclose anything that is observed or discussed in his/her presence to anyone outside the Department unless authorized by the Chief of Police.
13. At any crime scene the reserve officer is there only to protect the scene from any outside interference or to aid the regular officer in whatever task he/she is directed to perform. If the reservist is requested to assist in a search and observes something of possible importance, the regular officer will be contacted and the item will be handled by the regular officer.
14. When conducting an investigation, the reserve officer's primary responsibility is to assist the regular officer in the collection of information, names of witnesses, suspects, etc. The responsibility for collating this information into report form is the responsibility of the regular officer.
15. Each reserve officer will complete a Daily Activity Report upon completion of his/her assignment and forward the report to the Reserve Coordinator.
16. The Reserve Coordinator will compile monthly and annual summary activity reports for each reserve officer and submit the report to the Chief of Police.

(Ref: CALEA 16.4.1)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

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Number
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Subject
Bicycle Patrol

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapters 16, 44

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I. Purpose

To establish guidelines for the use of bicycles by police officers.

II. Policy

- A. The North Police Department provides bicycles for the use of its officers assigned to the Bicycle Patrol Unit. Those bicycles are marked and equipped as police bicycles.
- B. The objectives of the use of the bicycles are:
 - 1. Security checks of residential property, patrol recreational facilities, enforce Town parking ordinances and promote positive community relations.
 - 2. Patrol and traffic duties and on special assignments as directed by the Chief of Police.

III. Procedure

A. Instructions, Conditions and Limitations on Use

Officers should use good judgment when going on bicycle patrol, keeping in mind that motorists do not easily see the bicycles and that darkness and/or inclement weather will further adversely affect visibility.

B. Authorization for Use

Police officers may use the bicycles for patrol and/or for special events as approved by a supervisor.

C. Qualifications and Training

1. Only officers with knowledge of bicycle rules of the road and who have satisfactorily completed the bicycle orientation and classes concerning a) duties of the bicycle patrol; b) relations with citizens; and c) parking ordinances and summons shall be allowed to ride the bicycles on patrol.
(Ref: CALEA 16.4.2)
2. Officers who wish to be involved in the bicycle patrol will have successfully completed a training course approved by the bicycle patrol coordinator, or will be able to demonstrate the necessary skills to the bicycle coordinator.
(Ref: CALEA 44.1.4, Item D)

D. Maintenance of the Bicycles

The bicycle patrol coordinator will be responsible for inspecting the condition and maintaining the bicycles. The operator will be responsible for inspecting the bicycle prior to use and for reporting any deficiencies that cannot be corrected on the spot.
(Ref: CALEA 44.1.4, Item E)

E. Equipment

The following equipment will be kept on the bicycle or worn by the rider.

1. First Aid Kit
2. Headlight and rear reflector
3. Bicycle helmet to be worn at all times
4. Reflective traffic vest at nighttime or other reflective material.
(Ref: CALEA 44.1.4, Item F)

F. Authorized Positions to Operate the Bicycles

Qualified officers as approved by the shift supervisor.
(Ref: CALEA 44.1.4, Item G)

G. Bicycle Patrol Officer Uniform

The uniform for officers using bicycles will be one of the following as directed by the Chief of Police.

1. Class A or B uniform, bicycle helmet and plain black athletic shoes;
2. Uniform shorts (no shorter than two inches above the knee) may be substituted;

3. Spandex shorts may be worn under the uniform but cannot be visible;
and
4. Black nylon web gear shall be utilized.

(Ref: CALEA 44.3.5)

H. Transportation of Bicycles

Bicycles may be transported on portable bike racks on the rear of the patrol car or in the cargo area of a vehicle if the cargo area is large enough to contain the bicycle. Officers may park the patrol vehicle in an easily accessible location and then use the bicycle to continue patrol.

I. Checking Residential Property/Patrol of Parks and Recreational Areas

1. Officers will check the patrol pass on book in the patrol office at the beginning of their tour of duty to obtain a current list of residential property checks.
2. Officers will report to the shift supervisor for any additional pass on information and sign on the radio with Orangeburg County Dispatch prior to going on patrol.
3. When checking property, if the officer notes criminal activity, the officer should notify a patrol officer with vehicle access immediately and move to a safe location to observe the business, residence, etc.
4. Officers should log all property checks in the pass on book and sign off of the radio with Orangeburg County Dispatch at the end of their tour of duty.
5. Officers shall also regularly patrol recreational facilities, ball fields and parks when they are in use.
6. Officers may be assigned to direct traffic at accident scenes, funeral escorts, parades or other special events.

J. Enforcing Parking Regulations

Officers will enforce parking regulation violations while assigned to the bicycle patrol.
(Ref: CALEA 16.4.1, Item B)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
4.7.1

Subject
Police Chaplain

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 16

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I. Purpose

Pressures facing law enforcement personnel are more complex now than at any other time in the history of policing. The need for personnel to have a qualified and understanding person to discuss problems and concerns with on an objective level can be accomplished through the Police Chaplain Program. The Chaplain will also be available to assist officers in the performance of their duties such as death notifications, natural or man-made disasters, assisting victims, etc.

II. Policy

It is the policy of the North Police Department to assist its officers in dealing with the complex concerns in which they often have to deal. The Police Chaplain is thereby established to assist police personnel, their families and the citizens of North.

III. Procedure

The Department shall establish and maintain a Chaplain program to consist of at least one Chaplain.

A. Qualifications - The Chaplain

1. The Chaplain position is voluntary, non-compensated and must be occupied by qualified non-sworn persons who do not assist in the day-to-day delivery of law enforcement services.

(Ref: CALEA 16.4.1, Item A)

- a. The Chaplain shall be ecclesiastical certified (ordained), in good standing and endorsed by a recognized religious body, and possess a minimum of five years in the military.

- b. The Chaplain shall have at least a Bachelor's Degree in related fields of study, with strong emphasis in counseling.
(Ref: CALEA 16.4.2)

- c. The Chaplain shall display a caring and concerned attitude to all members of the agency regardless of religious background.

- d. The Chaplain shall be available to serve on a 24-hour on-call basis.

2. Confidentiality - Member/Chaplain Counseling

- a. The Chaplain is expected to maintain a high level of confidentiality regarding matters discussed with him/her.

- b. The exceptions are only when the member is involved in situations of danger either to himself/herself or others. The Chaplain shall use sound judgment in reporting such situations. The Chaplain shall advise the employee if the matter is to be brought to the attention of the Chief of Police. This must be carefully handled and the Chaplain must never become a pipeline of communication to the Chief of Police.

3. Credentials

- a. The Chaplain is first and foremost a person of God, duly ordained and appointed as an approved and experienced religious representative.

- b. The Chaplain is a support person to the Chief of Police and reports to the Chief. The Chaplain is authorized to visit personnel and have access to all buildings and scenes where the presence of North Police officers indicates appropriate involvement.

4. Law Enforcement Knowledge

- a. The Chaplain is not required to be a certified law enforcement officer. However, the Chaplain should become familiar with the police environment in order to develop an understanding of the pressures of the profession.

- b. The Chaplain should attend seminars and other training as available.

- c. The Chaplain is encouraged to become certified by the International Conference of Police Chaplains.

- d. The Chaplain shall assist all law enforcement personnel and their families in matters within the Chaplain's realm. The Chaplain shall not in any way, interfere with a member in the performance of duty nor assume the duties of a sworn and certified member.

5. Request for Chaplain Assistance

- a. Any employee of the Police Department may request the assistance of a Chaplain for personal or professional reasons.
- b. The Chaplain may be reached by telephone or digital beeper.
- c. If there is more than one Chaplain, an on-call schedule will be developed.

6. Equipment/Supply Issue - Travel Reimbursement

- a. The Chaplain shall be reimbursed for travel expenses in accordance with departmental and Town of North travel guidelines.
- b. The Chaplain will also be issued appropriate identification to facilitate movement and access to include a digital beeper (when on call) a winter jacket and windbreaker, clearly designating him/her as a Chaplain. If the Chaplain is issued a uniform, it will clearly distinguish them from sworn officers.

(Ref: CALEA 16.4.3)

B. General Duties

1. The Chaplain will be available for the following:

- a. To counsel members;
- b. To counsel families of members;
- c. Visit sick and injured members at home and in hospital;
- d. Make death notifications;
- e. Provide assistance to victims;
- f. Serve as part of a crisis response team;
- g. Assist at critical incident scenes;
- h. Serve as liaison with other clergy in the community;
- i. Furnish answers for religious questions;

- j. Serve in ceremonial functions (i.e., funeral, religious and civil ceremonies, academy graduations, awards ceremonies, and other services as requested by the Chief);
- k. Serve on review boards as deemed appropriate by the Chief of Police;
- l. Serve as a consultant to the members in family crisis and stress situations;
- m. Serve as an advisor to the Chief of Police in all matters pertaining to moral, spiritual and religious welfare of the agency.
- n. Coordinate and plan any religious service or educational programs for the agency;
- o. Give presentations to departmental personnel;
- p. Attend Department meetings when possible; and,
- q. Other duties as assigned by the Chief of Police.

(Ref: CALEA 16.4.1, Item B)

2. The Chaplain Resource

The supervisor will notify the Chaplain immediately for the following:

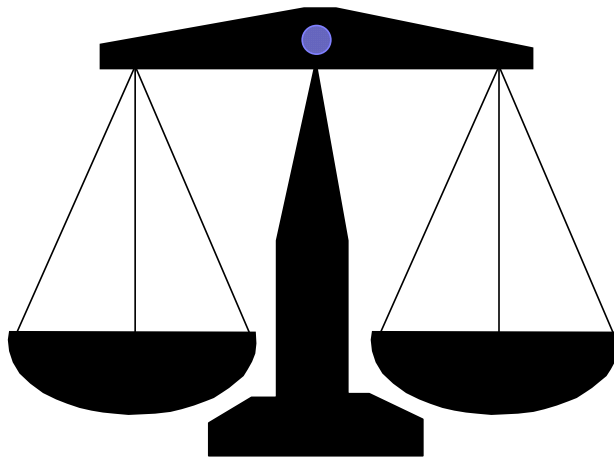
- a. When an officer is personally involved in a deadly force incident;
- b. In the event of a potentially serious community crisis;
- c. When serious injury or death of a member of the agency occurs;
- d. During a man-made or natural disaster;
- e. During death or serious injury notification to be made to a member of the public; and
- f. During other emergencies as deemed within the realm of the Chaplain or as requested by a member of the agency.

Mark P. Fallaw
Chief of Police

Date

North Police Department

North, South Carolina



"An Effective and Efficient Agency"

Policy and Procedure Manual

Chapter 5- Reserved

Mark P. Fallaw
Chief of Police

Chapter 5 – Reserved
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North
Police Department

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5.1.1

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Police Department

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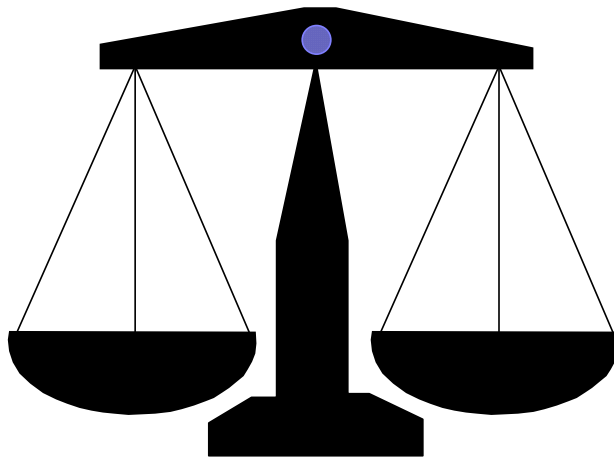
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North Police Department

North, South Carolina



"An Effective and Efficient Agency"

Policy and Procedure Manual

Chapter 6- Patrol Operations

Mark P. Fallaw
Chief of Police

Chapter 6 – Patrol Operations

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Patrol Function

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I. Purpose

The primary and most important function of the North Police Department is to provide a safe and secure environment in which citizens can live without fear of crime. This is accomplished through visible patrols conducted by uniformed officers. It is the purpose of this policy to define the basic patrol function and establish guidelines for officers assigned to patrol duty.

To define basic patrol functions and patrol responsibility.

To establish priorities for officers assigned to patrol duty.

II. Policy

Patrol is the single most important operation of the North Police Department. All other aspects of police work will be subordinate to and supplemental to the Patrol Division. It is the policy of the North Police Department to support the uniformed patrol in any way possible. The uniformed patrol exists to provide efficient and effective police operation, to create a deterrent, effective on potential offenders, to detect and apprehend offenders, and to install a sense of safety in the community.

III. Patrol Functions

A. The primary functions of the Patrol Division shall be:

1. Preventive patrol.
2. Response to requests for services from members of the public and serving as a resource person for those services not provided by the police.
3. Reporting hazardous conditions.

4. Investigation of crimes, offenses, incidents and conditions, including violations of Town business ordinances, arresting offenders, service of warrants and Town summons.
5. Traffic direction, traffic enforcement and parking enforcement.
6. Regulation of ABC licensed premises and other businesses as required by law.
7. Maintenance of public order.
8. Provision of emergency services.
9. Development of relationships between citizens, the business community, the schools and the North Police Department with officers working as community problem solvers.
10. Follow up investigations of assigned cases.

B. Patrol Administrative Procedures

1. One patrol officer will be scheduled for duty each shift unless otherwise approved, changed or amended by the Chief. There shall be at least one patrol unit on duty within the Town of North corporate limits at all times possible. If unusual circumstances require all on-duty cars to temporarily leave the corporate limits for more than thirty minutes and no other North Police officers are on duty, the on-duty patrol supervisor shall notify the Orangeburg County Sheriff's Office of the circumstances and request mutual aid patrol and response from a mutual aid agency. The supervisor shall also notify the Chief's designee and if the unusual circumstances necessitate, off-duty officers will be called in to assume patrol duties.
2. An officer will be designated by the supervisor of the oncoming shift to report to work fifteen minutes prior to the normal reporting time and shall be relieved of duty one-half hour before the normal end of duty time to provide continuous patrol coverage during the shift changes. This officer will immediately go on patrol and will stay on the street until shift change is completed. The shift supervisor shall report to duty at the normal time. (Ref: CALEA 41.1.1)
3. Due to the size of the Town of North, the Department has not established patrol beats. All officers are expected to become acquainted and familiar with the persons, businesses, schools and organizations throughout the Town. All officers are expected to accept responsibility for providing law enforcement services throughout Town. (Ref: CALEA 41.1.2, Items C and D)

4. North Police officers shall use their assigned identification numbers during radio transmissions. The numbers shall range from North 1 to North 10 as assigned by the Chief of Police. When two officers are assigned together the lowest identification number shall be used.

(Ref: CALEA 81.2.5, Item C)

5. All officers will use the Uniform Ten Codes, Police Signals and phonetic alphabet adopted by the Orangeburg County Communications Center.

C. Patrol Responsibilities

1. Police officers shall attempt to maintain good order of the patrol area, post or detail to which they are assigned.
2. Notwithstanding the assignment of specific duties and responsibilities, police officers shall perform all other such duties as may be required of them by competent and legal authority.
3. Police officers assigned to patrol duties shall patrol their assigned area constantly while on duty and not otherwise assigned.
4. On duty patrol officers are not to be in the Police Department building except as necessary for the performance of assigned calls for service, follow up investigation phone calls, briefings, meetings, training, court or as otherwise approved by a supervisor.
5. Patrol officers who receive or initiate a detail which indicates that a back-up may be necessary shall request, by radio, that a second unit be dispatched. When all other North units are unavailable, the officer shall request back-up from the Orangeburg County Sheriff's Office or under the mutual aid agreements from nearby police agencies. At least two patrol units will respond to situations that have the actual or potential presence of any of the following factors:
 - a. An assault on an officer or requested assistance.
 - b. An on-scene arrest for a violent felony.
 - c. Resistance to arrest.
 - d. Use of force.
 - e. Any crime in progress.
 - f. A fleeing suspect.
 - g. Any domestic disturbance when the offender is still at the scene or to standby while belongings are removed.

- h. Any reports of unknown trouble.
- i. Any auto accident involving injuries or in which the vehicles are blocking moving lanes of traffic.
- j. Disorderly crowd reports.
- k. Alarm calls.
- l. Disturbances involving intoxicated or disorderly suspects.
- m. Open door/window calls or discoveries.
- n. Any call where, in the judgement of the dispatcher or supervisor, there exists a need to send two officers either because of the known serious nature of the call or insufficient information, and for the safety of the responding officers, two officers are believed necessary.

(Ref: CALEA 81.2.5, Item E)

- 6. Supervisors who monitor an initial radio dispatch of a one-officer unit to any of the situations listed above shall immediately respond themselves or request another unit to be dispatched. Supervisors or responding officers may request a back-up unit on initial dispatch for any situation for which they know or suspect another officer may be needed.

(Ref: CALEA 81.2.5, Item E)

- 7. The presence of a patrol supervisor to assume command, conduct investigations, and give direction shall be required at the scene of any incident involving the following circumstances:

- a. Whenever a police officer uses force of any type to effect an arrest and injury results.
- b. A police vehicle is involved in an accident or an officer is injured.
- c. Any crime of violence that involves serious injury or death, traffic fatality or any other death case.
- d. Any arrest of a police officer or judge from this or another jurisdiction, or any arrest of governmental officials (i.e., the Mayor, Council member, legislator, etc.)

Note: This directive is not meant to discourage such arrest, but to provide sufficient witnesses to verify information in the arrest.

- e. When any officer receives a complaint concerning questionable conduct of a member of the North Police Department.

- f. The termination of any police vehicle pursuit.
 - g. Whenever any officer thinks that a decision must be made by a person with more authority than the requesting officer.
(Ref: CALEA 81.2.5, Item F)
- 8. The responsibility for enforcing traffic laws, parking regulations and Town ordinances is shared by all officers.
 - 9. Each shift is required to make at least one physical security check of each home or other location for which a watch order has been issued. The officer will check each window and door that can reasonably be accessed by the officer. The officer will also check any out buildings or vehicles at that location. If any problem is detected a supervisor will be notified. All security checks and necessary comments will be logged by the officer on the watch order at the end of each shift. Upon the resident's return the completed watch order will be forwarded to the Chief of Police.
 - 10. Each shift will perform any assigned directed patrol at least once per shift unless the Directed Patrol Order requires otherwise or if it is only applicable during specific times. The officer will log his/her directed patrol(s) on the Directed Patrol Order. Once the directed patrol period expires the completed Directed Patrol Order will be forwarded to the Chief.
 - 11. During the period of the day shift rotation, patrol officers are to make personal visits in as many businesses as is reasonably possible. The purpose of these visits is for the officer to introduce him/herself, to meet the owner/employee, to become familiar with the building layout and to interact on an informal basis with citizens. Officers may sign out by radio but will remain available for call by portable radio.
 - 12. During the school year, day shift officers are strongly encouraged to periodically eat lunch with the children in the cafeteria of the schools in the Town limits.
 - 13. Officers on patrol in residential areas are to be highly visible. Officers are to make a friendly appearance and are encouraged to stop and talk with citizens and children on an informal basis. At night officers may patrol residential areas with their alley lights on to increase their visibility so long as it does not create a traffic hazard. Officers must attempt to patrol each residential area or subdivision at least twice per shift. Officers are to check parks and recreational areas at least once during each shift.

14. Officers assigned to night shift will conduct a minimum of two security checks of each commercial location, church, school and other non-residential location. Officers may use the alley lights, take down lights and/or spotlight to check these locations. Officers are encouraged to make foot patrols of areas that can be reasonably accessed but have their vision obscured from the patrol vehicle. Officers are to be alert for signs of criminal activity, suspicious circumstances, or fire.
15. Officers on the day shift will make at least one security check of each commercial location, church, school and other non-residential location on weekends and holidays when these locations are closed.
16. Night shift officers are to regularly check businesses that open after dark in an effort to deter robberies and other criminal acts. Officers may make these checks by riding by but at least one foot patrol should be made of these locations per shift after 2300 hours. Officers will sign out by radio and remain available for call by the portable radio.
17. All officers have the responsibility to serve as problem solvers as they become aware of problems in the community. Officers are to resolve those matters that are within their authority and make referrals to other agencies as required.

D. Briefing

1. Each shift the off-going shift supervisor shall physically meet with the oncoming supervisor to brief him/her of any necessary or critical information.
2. As soon as is practical, each officer shall be briefed on all pertinent information by the supervisor. The supervisor of the shift shall ensure that all officers comply with this directive and that all officers are properly dressed and ready for duty.
3. During the briefing the officer shall read and initial the Patrol Pass-On book that contains important information regarding daily patrol activity. Particular attention will be given to unusual situations, and changes in the status of wanted persons, stolen vehicles, and major investigations.
4. Officers must check their mail bins for notification of new directives or changes in current directives prior to initiating patrol. Officers are responsible for ensuring that their mail bin does not become cluttered.
5. Officers shall also review any NCIC messages.
6. Officers must check the teletype for late arriving messages that may not have been posted in the pass-on book, and which may contain information on wanted persons, missing persons, stolen vehicles, or other information of a tactical nature.

7. If applicable and if the Training Officer has scheduled roll-call training for the shift, the sergeant will hold a roll call for the squad for the purpose of training sometime during the shift.

(Ref: CALEA 41.1.3)

E. Meal Breaks

1. Only one patrol officer at a time may take a meal break unless specifically approved by the Chief. Unless otherwise approved, meal breaks will be thirty minutes in length, not including reasonable travel time (of approximately 5-8 minutes). Occasionally, when three patrol officers are on duty the supervisor may allow two officers to eat at the same time and/or at the same location.
2. Day shift officers may eat breakfast and lunch while on duty. The night shift officers may eat dinner and an early breakfast (before 0500 Hrs.) while on duty.
3. Officers are not allowed to take meal breaks during the rush hour periods of 0730 - 0900 Hrs. and 1600 - 1830 Hrs. Monday through Friday. When school is in session, officers will not be allowed meal breaks between 1400 - 1500 Hours.
4. Officers are to request permission from the supervisor to take meal breaks. Officers must sign out by radio and are to remain available for emergencies by use of the portable radio, pager or cellular telephone.
5. In all cases, calls for service and other assignments by the supervisor have priority over signing out for meal breaks. Supervisors are responsible for the proper relief of officers for meals and comfort breaks and to ensure that officers are available for call.
6. Officers are to eat at locations within or immediately adjacent to the Town limits except for an officer's home or home of a family member that is within a reasonable travelling distance. Before officers go to homes outside the Town limits, they must first discuss this with their supervisor and obtain permission.

F. Conduct of Field Interviews/Investigations

Field investigations of suspicious persons have been proven effective to deprive actual and potential criminal offenders of some of their initiative to select the time, place, and circumstances for the commission of crimes. All field interviews should be documented, whenever possible. Although it is impossible to outline all circumstances under which a Field Investigation Report should be completed, the following should be considered as general guidelines for Field Investigation Reports:

1. The United States Supreme Court has ruled that the civil liberties and Constitutional Rights of individuals cannot be abridged in order to document "suspicious behavior." Therefore, an individual cannot be unreasonably detained or required to provide identification if the individual is in a location (such as on a public street) where the public has a reasonable right to be. Furthermore, an individual cannot be deemed to be suspicious because of that individual's race, age, etc; i.e., a "black" subject in a "white" neighborhood or a "white" subject in a "black" neighborhood is not, in and of itself, a valid reason for a field investigation to be conducted.
2. Notwithstanding Section 1 above, any individual may be requested to provide information by a police officer, and that information may be recorded on a Field Investigation Report.
3. If a subject has violated a law, or if there is a reasonable suspicion that an individual has violated a law, that individual can be temporarily detained for a reasonable amount of time (usually a few minutes) and may be required to produce satisfactory proof of identification for later follow-up. When a person is detained against that person's will, there should be sufficient circumstances to consider the possible filing of criminal charges (i.e., an individual trespassing on private property during hours when there is a reasonable expectation that the person should not be there at that time, and the person may not have permission from the owner of the property to be present).
4. Any Field Investigation Report that in the reporting officer's opinion merits immediate follow-up should be directed to the supervisor and the Criminal Investigation Division for further action.

(Ref: CALEA 41.2.3)

G. Traffic and Parking Enforcement by Department Personnel

Since there is a close interrelationship between traffic enforcement and all other law enforcement activities, all uniformed officers in the Department share the responsibility for enforcement of traffic and parking laws and regulations as specified in Chapter 7 of the Policy and Procedure Manual.

H. Investigations by Patrol Officers

1. In general, patrol officers shall conduct the preliminary investigations of crimes reported to them.
2. Patrol officers are encouraged to conduct follow-up investigations on cases once they complete their preliminary investigations. These follow-ups may be conducted during their undirected patrol time. Exceptions to this will be crimes that are especially serious and or complex such as burglaries, murders, sexual assaults, suicides, shootings, stabbings, kidnappings and armed robberies.

3. Additionally, cases may be assigned to the patrol officer by the sergeant or other supervisor for follow-up investigation.
4. Patrol officers have the authority to investigate and close cases as provided in Chapter 8 of this manual.

I. Bond Hearings, Preliminary Hearings and Grand Jury

1. Whenever a North Police Officer makes an arrest and initiates criminal or traffic charges on an individual, the officer may permit another officer to use a comprehensive written case file at preliminary hearings in lieu of the arresting officer's appearance at the initial hearing.
2. The arresting officer shall be responsible to ensure that all required reports, statements, petitions and/or warrants have been properly completed to ensure the case may be prosecuted. The officer shall also be responsible for liaison with the prosecutor's office in regards to any potential problems in the case.
3. Unless the arresting officer has made arrangements for another officer to present the case at the preliminary hearing, the arresting officer must attend the hearing. Even if another officer is presenting the case, the arresting officer may attend to monitor the presentation of the case to the court. In cases involving assault on a police officer, resisting arrest, or felony arrests of a serious crime of violence (such as sexual assault), the officer should appear at the hearing.
4. The arresting officer will complete the Bond Hearing Request form for the Municipal Judge, but may not use the form in lieu of actually appearing before the judge at a bond hearing. The arresting officer is responsible for making the judge aware of any important information about the case or the defendant that may affect the bond decision. In cases of serious assault on an officer or resisting arrest and in felony arrests for a serious crime of violence, the arresting officer will talk to the judge as well as complete the Bond Hearing Request form.
5. Unless requested otherwise by the Grand Jury or Solicitor's Office one officer will be designated to present all North Police Department cases before the Grand Jury. Ordinarily, this function will be handled by a member of the Criminal Investigations Division; however, it may be assigned to any officer.

(Ref: CALEA 13.1.5)

J. Patrol Vehicles

1. Unless specifically approved by the Chief of Police, all police vehicles used in routine or general patrol service shall be white with blue stripe/s on each side. Each vehicle will be marked with "North Police" decals on both the right and left sides, and "Police" on the front and on the rear deck lid.
2. All patrol vehicles will be equipped with a mobile radio, blue lights, siren, public address speaker, exterior spotlight, light bar with alley lights or interior lights and protective screen or cage in proper working operation. Each officer who operates a patrol vehicle shall have a portable radio on the Department frequency to receive or transmit emergency or routine messages. (Ref: CALEA 41.3.1)
3. All mobile radios and most portable radios are multi-channel, capable of two-way operation on the Orangeburg Central frequency for Municipal agencies, Orangeburg County Sheriff's Office frequency, statewide regional frequency and other area agencies. (Ref: CALEA 81.3.4)
4. Unmarked vehicles, except undercover vehicles, will be equipped with a siren and emergency blue lights. (Ref: CALEA 41.3.2)
5. All patrol vehicles will be equipped with the following equipment:
 - a. First aid kit and bloodborne pathogens kit
 - b. Blanket/s
 - c. Fire extinguisher
 - d. Light sticks
 - e. Pry tool
 - f. Seatbelt cutter
 - g. Accident investigation kit to include a clipboard, a measuring tape or measuring wheel, marking crayon, template and report forms
 - h. Reflective traffic vest
 - i. Instamatic camera
 - j. Spare tire and jack (Ref: CALEA 41.3.3)

6. Optional Equipment Supplied by the Officer

Officers can use the personally owned equipment listed below in the police vehicle so long as it does not interfere with their duties and the equipment is used legally. No equipment can be hardwired into the car's electrical system unless approved by the Chief of Police. If approved, the officer will have to pay the cost of installation by a vendor designated by the Chief of Police. In lieu of hardwiring officers can use a DC lighter plug to power the equipment. The equipment that is approved is:

- a. Cellular telephone
- b. Scanner
- c. Citizens band radio

K. Telephone Reporting

1. Officers may take certain categories of reports from citizens by telephone in lieu of an on-scene response when:
 - a. The incident is a misdemeanor or non-criminal event,
 - b. No injuries are involved,
 - c. Crime scene processing is not required,
 - d. The suspect is not at the scene; and,
 - e. The citizen agrees that it is acceptable to file the report by telephone.
2. In all other cases the officer will respond.
3. A list of types of calls that can be reported by telephone is as follows:
 - a. Petty larcenies
 - b. Obscene, harassing or nuisance phone calls
 - c. Trespassing
 - d. Animal complaints
 - e. Vandalism (under \$500 damage)
 - f. Breach of trust (under \$1,000)
 - g. Traffic complaints

- h. Auto break-in
- i. Verbal disputes
- j. Other calls if approved by a supervisor and acceptable to the complainant/victim. (Ref: CALEA 81.2.14)

L. The primary responsibilities of the uniformed patrol are the protection of life and property; preventive patrol; response to calls for service or assistance; maintenance of social and civil order; reporting and ensuring the resolution of hazardous situations; investigation of crimes, offenses, and incidents; and promoting effective police and community relations.

1. Information Exchange

The Chief of Police will conduct a supervisor's meeting weekly or at times when the Chief deems necessary. Unless otherwise specified, these meetings will take place each Tuesday.

- 2. All officers are to review the Town of North Police Department bulletin board daily.
- 3. Each supervisor ending his/her tour of duty shall meet with the on-coming supervisor for a briefing of any necessary or critical information.
- 4. The on-duty supervisor is responsible for ensuring timely notifications are made to the Chief of Police for incidents of the following nature:
 - a. Employee injury;
 - b. Accidents involving a Department vehicle;
 - c. Death (including suicide attempts);
 - d. Assault;
 - e. Robbery;
 - f. Burglary;
 - g. Sexual assault;
 - h. Any incident with news media interest;
 - i. Any incident involving the Town Officials
 - k. All other incidents the supervisor deems necessary.

M. Uniformed patrol officers will report for duty fifteen minutes prior to their scheduled road assignment. This time will be used for the patrol shift roll-call and will accomplish the following basic tasks:

1. Briefing of criminal activity since the previous tour of duty;
2. Notification of stolen vehicles from the area, wanted or missing persons, major investigations, and events being held in the community;
3. Notification of any changes in schedule or regular patrol assignments;
4. Dissemination of any new directives or administrative orders;
5. Evaluation of officer's readiness to assume patrol (equipment/uniform inspection); and
6. Relevant training coordinated by the shift supervisor and training officer.
7. While in a briefing status, officers should remain in a state of readiness and should be available for immediate assignment, if necessary.

N. Security of Property

Uniformed patrol officers are responsible for ensuring that all property is safe and secure. All officers of the patrol shift share this duty. The security of property located in the Town of North should remain a priority when there are no other calls for assistance or service.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

6.2.1

Subject

Field Interview Procedures

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 41

Distribution

All Personnel

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Annual

Pages

4

I. Purpose

A field interview program may deprive actual or potential offenders of some of their initiative in selecting the time, place, and circumstances for the commission of crimes. The purpose of this policy is to establish guidelines for the temporary detention of individuals engaged in suspicious activity.

II. Policy

It is the policy of the North Police Department to clearly indicate what constitutes a valid field interview situation. This policy guards against the misuse of field interviews and any subsequent adverse citizen reaction. This policy should be construed as a supplement to procedures found in the Patrol Procedures policy and should not be construed to contradict or supercede those contents.

(Ref: CALEA 41.2.1)

This policy does not prohibit an officer from approaching and talking with an individual on the street. The usual test separating a "street encounter" from an "investigatory stop," is whether the individual is detained. Street encounters do not obligate an individual to comply with the officer's request to remain stationary or provide information.

III. Procedure

A. Justification for a Stop/Developing "Reasonable Suspicion"

1. Prior to making an investigatory stop of an individual, the officer must first have "reasonable suspicion" that the individual has committed or is about to commit a crime.

2. “Reasonable suspicion” can be determined by assessing all factors involved. The following may be taken into account:
 - a. Personal knowledge and experience of officer;
 - b. Conduct/demeanor of suspect;
 - c. Elusive moves;
 - d. Attempts to flee; or
 - e. Time and place (i.e. nighttime, high crime area, near the scene of a crime, etc.)
3. When the decision is made to stop an individual, the officer will notify the supervisor that he/she will be stopping a suspicious person. The officer will then give the location of the stop and a brief description of the individual.
4. In order to effect a stop and enforce a period of brief detention, an officer may employ that degree of force found necessary under the circumstances, short of deadly force. The use of deadly force has no place in an investigatory detention situation. This does not prevent the officer from defending himself/herself when confronted with deadly force.
5. The supervisor should dispatch one cover officer to back-up the contact officer. No more than two officers should respond to an investigatory stop. This does not prohibit other officers from remaining in the general area should assistance become necessary.
6. The contact officer will attempt to positively identify the suspicious person. When the cover officer arrives, he/she will maintain a triangulated position with the individual. If the person is found to be unlawfully on private property, the officer will complete an Incident Report and issue a trespass warning. The cover officer should check to see if the suspect has a prior trespass warning on file.
7. It is permissible to move the person a short distance, but only in the following situations:
 - a. To afford better lighting;
 - b. To prevent a traffic hazard;
 - c. To avoid a hostile crowd; or
 - d. To order a subject out of a vehicle.

8. An individual may be detained for a reasonable period of time. Less than 30 minutes can be considered reasonable under most circumstances. However, this is a flexible standard and could be extended if the initial stop was justified and the delay is reasonably related to police investigation that will confirm or dispel the suspicion.
9. Generally, persons detained for brief questioning by officers who lack probable cause to make an arrest, need not be warned of their rights against compulsory self incrimination and to counsel until such time as the point of arrest has been reached.

B. Authority to Frisk

1. A protective pat down search of the outer clothing is permitted for weapons only, after the following two criteria are met:
 - a. The individual has been stopped lawfully; and
 - b. The officer has a reasonable, articulable suspicion the individual is armed and dangerous.
2. In justifying the frisk, the officer may consider such factors as:
 - a. The type of crime involved;
 - b. The reputation of the person detained (as known by the officer at the time of the frisk);
 - c. The time and place of stop;
 - d. Sudden movements; or
 - e. A bulge in the person's pocket.
3. Officers must be prepared to articulate the specific grounds that justified the frisk. The frisk should be confined to the suspect's outer clothing and should not be a deceptive means to search for evidence. Officers should not routinely pat down suspects who are not under arrest and are not reasonably believed to be armed.
4. If an officer lawfully pats down a suspect's outer clothing and feels an object whose contour or mass makes its identity immediately apparent as contraband, the officer may seize the object and have it admitted into evidence. This seizure is only permitted when the frisk remains within the bounds of the weapons frisk mentioned previously.
5. A frisk may be extended to include unlocked and unsealed hand carried items where the size and design permits easy access to possible weapons.

C. Field Interview Report

Field Interview Reports may be documented to provide other officers, investigators, and crime analysts with information concerning suspicious persons and situations. The Field Interview Report should not exclusively be used for documenting trespass warnings. A Field Interview Report can be used to record important information concerning subjects, vehicles, etc.

1. The Field Interview Report should be filled out clearly and completely. Every effort should be made to acquire all necessary information.
2. In the narrative section, the officer should document the specific, initial justification for the investigatory stop. If a trespass warning was issued, it should be documented.
3. If the stop was in reference to a particular case, the Incident Report number should be recorded on the report.
4. An Incident Report will be completed on every individual arrested by the Department.
5. All Field Interview Reports will be promptly returned to the supervisor for processing before the end of shift.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

6.2.2

Subject

Amends/Supersedes

None

Related Standards/Statutes/References/Policies

CALEA Chapter

Distribution

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North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
6.2.3

Subject
Interviews and Interrogations

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 41

Distribution
All Personnel

Re-Evaluation
Annual

Pages
4

I. Purpose

To establish and provide guidelines for assuring compliance with applicable Constitutional requirements of persons during interviews and interrogations.

II. Policy

It is the policy of the North Police Department to ensure that the rights of all persons during interviews and interrogations are protected as provided by the United States Constitution and Supreme Court rulings.

III. Procedure

A. Custodial Advice of Rights (Miranda)

1. Any subject placed under arrest, who is to be questioned, will be read his/her rights as defined in *Miranda v Arizona* (382 US 436 at 444, 445.) Miranda Warnings are required before questioning by law enforcement of any subject in custody. They are not required simply because a subject is placed under arrest, and they are not required in the purely non-investigative stage of a police prosecution. The Sixth Amendment, right to counsel, attaches at the beginning of formal proceedings against the accused. These critical stages include indictment, arraignment, a lineup, etc.
2. Officers will read the following Miranda Warnings to the suspect(s) from a printed Miranda Warning card or the Advice of Rights form provided by the Department:
 - a. You have the right to remain silent;
 - b. Any statements made by you may be used as evidence against you;

- c. You have the right to the presence of counsel, and;
 - d. If you cannot afford counsel, an attorney will be provided to you prior to questioning if so desired, at no cost to you.
- 3. Officers should never assume other officers have already given the Miranda Warnings to a subject. It is better to personally give the warnings to any suspect before interrogation.
- 4. If the subject in custody waives his/her rights under Miranda, an Advice of Rights form should be signed by the subject and at least two witnesses, whenever possible. A waiver of Miranda rights is sufficient to waive Sixth Amendment Rights to counsel.
- 5. If the subject refuses to waive his/her rights and invokes his/her right to remain silent, or right to counsel, questioning must stop immediately.
- 6. If a subject invokes his/her right to remain silent, officers will not attempt a second interview until a significant period of time has elapsed (a two hour period of time has been held to be significant) or the subject requests to be interviewed or provide officers with a statement. In either case, officers will read the Miranda Warnings to the subject again and document his/her willingness to answer questions or provide statements.
- 7. The right to counsel is not a one-time right to consult counsel but is a continuing right to have counsel present at any interview. For that reason the subject is presumed to have invoked his/her right to counsel for all subsequent attempts at interview as long as he/she remains in custody. *Arizona v Roberson*, (486 US 675 1988.)
- 8. An arrested subject cannot use Miranda to refuse to answer certain questions asked by law enforcement when the questions are of a neutral nature such as routine booking questions (*Pennsylvania v Muniz*, 496 US 582, 110 S. Ct. 2638, 1990.) Also, general investigative questions such as asking if there are weapons present and/or other initial on-scene information does not fall under the scope of Miranda.
- 9. It has been ruled that the gathering of physical, non-testimonial evidence does not constitute interrogation and therefore, Miranda does not apply. Included in non-testimonial evidence are:
 - a. Fingerprints;
 - b. Blood or hair samples;
 - c. Sobriety tests;

- d. Handwriting samples, or
 - e. Voice exemplars.
10. When officers can justify the need to secure the safety of themselves and/or others, no Miranda Warnings are required to be given prior to asking a question, or limited questions, to accomplish this grave and immediate goal (*NY v Quarles*, 467 US 649, 1984).

B. Interview and Interrogations

- 1. No such statement or confession, verbal or written, shall be purposely obtained except as provided by law within the U.S. Constitution, Federal or State Case Law, or Statutory Law. (Ref: CALEA 41.2.3)
- 2. Statements and/or confessions, verbal or written, will not be purposely obtained until the suspect has been advised of his/her rights under Miranda as outlined in Section A above.
- 3. Voluntariness remains one of the concerns of the courts in determining whether a confession will be admissible at trial. The State bears the burden of proof that any statement or confession was obtained from the defendant voluntarily. This remains true even when the suspect signs a Waiver of Rights form (*State v Osborne*, 392 US 68, 1949).
- 4. No form of threat, coercion, promise or any other means of inducement will be used by any officer to obtain a confession or statement (*Brown v Mississippi*, 297 US 278m 1936 and *Harris v South Carolina*, 338 US 68, 1949).
- 5. Officers will have the suspect sign a Waiver of Rights form provided by the Department whenever the subject has waived his/her rights and is willing to make a statement of confession. This waiver will be witnessed by at least two persons whenever possible.
- 6. Whenever feasible, statements will be handwritten by the suspect, victim or witness. The writer on all pages will sign the statement. The person writing the statement should initial the beginning paragraph and ending paragraph, as well as any corrections on the page(s).
- 7. Any witness, victim or suspect writing a statement will be given a copy of that statement.
- 8. If the suspect, witness or victim is illiterate or physically incapable of handwriting a statement, the statement(s) may be received orally and tape recorded or videotaped. Statements may include questions and answer or narrative form of interview.

9. The Department will secure an interpreter whenever statements are to be taken from any individual who does not speak English.

C. Delays and Pre-Trial Prejudice

1. Officers will not unnecessarily delay the arraignment or any other hearing of any subject.
2. Officers will not make any pretrial statements or generate any pretrial publicity that may tend to prejudice a defendant's fair trial. Only the Chief, or his designee, may release or cause to be released information to the news media in accordance with this manual.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

6.3.1

Subject

Use of Non-Lethal Force

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 1

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All Personnel

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I. Purpose

To acquaint police personnel with the lawful use of force.

To acquaint police personnel with the lawful use of non-lethal weapons.

To facilitate the documentation of relative essential facts on a Use of Force Report.

II. Definitions

- | | | |
|----|-------------------|---|
| A. | Deadly Force | Any use of force that is likely to cause death or serious physical injury. |
| B. | Lethal Weapon | An instrument, object or substance designed or used in a manner to cause death or serious physical injury. |
| C. | Line Duty | Regular assigned law enforcement duty. |
| D. | Non-Lethal Force | Any use of force that is not considered to be deadly force. |
| E. | Non-Lethal Weapon | An instrument, object or substance not designed or used in a manner to cause death or serious physical injury. |
| F. | Physical Force | Any force required to overcome an assault or active resistance to arrest, or to control or restrain the movement of another, and which may result in, or is alleged to have resulted in, death or injury. |

- | | | |
|----|-------------------------|---|
| G. | Physical Injury | As used in this procedure is defined as: any injury or physical trauma. |
| H. | Reasonable Belief | The facts or circumstances an officer knows or should know that would cause an ordinary and prudent person to act or think in a similar manner under similar circumstances. |
| I. | Risk | As used in this procedure is defined as: a significant possibility, as contrasted with a remote possibility, that a certain result may occur or certain circumstances may exist. |
| J. | Serious Physical Injury | An injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ. |

- A. Officers shall use only the force necessary to accomplish lawful objectives.
(Ref: CALEA 1.3.1)
- B. A police officer may use necessary force for self-defense and/or self-preservation while in the lawful execution of his/her duties; however, under no circumstances shall a police officer use force other than that necessary to effect lawful objectives.
- C. An officer may use whatever force is reasonably necessary to overcome resistance to a lawful arrest or to prevent escape. However, deadly force may not be used solely to prevent escape or make an arrest for either a non-violent felony or a misdemeanor offense.
- D. Deadly force may be used only when the officer reasonably believes the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of great bodily injury,
- E. Officers shall use only the level of force necessary to accomplish lawful objectives. The use of force must be discontinued when it becomes apparent to the officer that the force is no longer needed or the use of force poses a threat to innocent bystanders.
- F. An officer may use deadly force against persons, including fleeing felons, only when the officer reasonably believes such action is in defense of human life or in defense of any person in immediate danger of serious physical injury or death.
- G. Officers shall provide or arrange for appropriate medical assistance for persons against whom force was used.
(Ref: CALEA 1.3.2)

IV. Officer Responsibility

- A. The use of force of a particular type and amount of force must be judged from the officer's perspective at the scene. The proper application of force requires careful attention to the facts and circumstances known or available to the officer involved at the time, including:
 - 1. Whether the suspect poses an immediate serious threat to the safety of the officer or others;
 - 2. The severity of the crime committed; and
 - 3. Whether the suspect is physically resisting arrest or merely attempting to evade arrest by flight.
- B. In an effort to accomplish lawful objectives, an officer may use a range of options to obtain compliance. Officers are not restricted to these options or this sequence.
 - 1. Officer presence
 - 2. Verbal requests/commands
 - 3. Physical force that does not inflict pain
 - 4. Physical force that inflicts pain
 - 5. Non-lethal weapons (e.g., baton or Oleoresin Capsicum)
 - 6. Physical strikes
 - 7. Deadly force

V. Procedure

- A. The following shall apply whenever any officer's use of force to effect an arrest results in injury or death, or an allegation of unnecessary use of force by police personnel is made:
 - 1. The Chief of Police or, if the Chief of Police is not available, the Acting Chief, shall be contacted by the shift supervisor and shall be advised of the following:
 - a. The nature of the force used or the nature of the allegation;
 - b. Any apparent injury and extent of injury to the person involved.
 - c. The circumstances of the incident whereby the use of force was effected, or alleged to have been effected, and all known facts relating to the incident.

2. In all cases in which an officer applies force through the use of non-lethal weapons, applies physical force by use of the hands or by any other means, that officer must immediately report the incident to his/her supervisor. A written report must be filed by the officer by the end of the current shift using the "Use of Force Report" and any additional reports as required. This report must be filed whether or not injury or death is caused. The report will be forwarded to the Chief of Police. The facts shall be set forth in a comprehensive manner. The Chief of Police will review the report and determine whether additional investigation is required. (Ref: CALEA 1.3.6, Items C and D)
 3. Additionally, if the officer has taken an action that results in, or is alleged to have resulted in, injury or death of another person, the involved officer and any other witnesses will submit sworn statements as to the facts of the case. These reports will be forwarded directly to the Chief of Police. (Ref: CALEA 1.3.6, Item B)
- B. The officer in charge will immediately initiate an investigation of the circumstances involved in any use of force incident. This investigation will include a search of the immediate vicinity of the alleged use of force to locate witnesses or to recover any evidential materials.
 - C. The investigating supervisor shall promptly route all reports to the Police Chief with the findings, comments, and recommendations as to the propriety of the force used. If additional investigation is required, the reports will be so noted.
 - D. When the use of force inflicts serious physical injury or if an injured subject is admitted or treated at a medical facility, the Police Chief shall be immediately notified and may respond to coordinate the investigation.
 - E. If a prisoner is suffering from an illness/injury requiring treatment, he/she shall be sent to the hospital for examination. If necessary, the interview and examination shall be conducted at the hospital.
 - F. When Oleoresin Capsicum is used, officers will be responsible for the decontamination of subjects and/or seeking medical treatment before releasing them to the appropriate detention facility. (Ref: CALEA 1.3.5)

VI. Non-Lethal Weapons

Officers will only be issued weapons for which they have been trained and qualified. While on duty, officers will carry and use only Department authorized weapons and equipment for which they have been trained. Before issuance of weapons, officers must demonstrate proficiency in the use of authorized weapons and must be issued and trained on related policies. All issuance and instruction of weapons and related policies shall be documented. Officers wishing to carry non-issued weapons must acquire approval from the Chief of Police, be trained with the weapon and demonstrate proficiency for each particular weapon. Unless previously authorized, plain-clothes officers who are on-duty and in the public, will carry their weapons concealed. Off-duty officers, in the public, will carry their weapons and insignia concealed unless otherwise approved by the Chief of Police.

- A. All non-lethal departmental approved weapons shall be used only in accordance with the provisions of this procedure manual and as prescribed by approved training.
- B. Only Department approved non-lethal weapons may be carried and used by officers. Department approved non-lethal weapons are the ASP Baton and Oleoresin Capsicum. (Ref: CALEA 1.3.9, Item A)
- C. A written Use of Force Report shall be made on every instance of use of force by use of non-lethal weapons.
- D. Officers will be issued the ASP baton and will be trained and certified in its proper use. The ASP baton may be used when necessary in accordance with this procedure and the procedure for, "Use of ASP baton and Oleoresin Capsicum."
- E. All officers will be issued the Oleoresin Capsicum weapon and will be trained and certified in its proper use. The Oleoresin Capsicum weapon will be carried by all on-duty officers. The Oleoresin Capsicum weapon may be used when necessary in accordance with this procedure and the procedure for "Use of ASP baton and Oleoresin Capsicum."
- F. No member will carry or use the following: brass knuckles; slappers; saps; sap gloves; blackjacks, etc.
- G. Any other weapon or tactic that is not departmental approved or for which training is not provided is prohibited.
- H. Oleoresin Capsicum
 - 1. Officers who are issued Oleoresin Capsicum must first be trained and certified in its proper use and will receive additional training on an annual basis.
 - 2. Officers shall visually inspect and vigorously shake the Oleoresin Capsicum canister on a weekly basis to ensure proper function.
 - 3. Officers shall test fire their Oleoresin Capsicum every three months to ensure pressurization and spray pattern. Empty or defective canisters shall be returned to the Department Training Officer and replaced immediately.
 - 4. After using Oleoresin Capsicum on a subject, decontamination procedures shall be administered and documented as soon as safety allows. If required, appropriate medical attention will be provided for the subject or anyone involved.

VII. Use of Force Review

Report and Review of Use of Force

- A. Officers will notify their supervisor immediately and shall submit a written Incident Report and Use of Force Report prior to the end of the current shift of any incident that involves the use of force or whereby specifically an incident takes place in which:
 - 1. An officer uses non-lethal force in a duty-related capacity. This does not include practice, training, qualification, or competition unless the use was a result of a safety infraction or carelessness.
 - 2. The officer takes any action that results in, or is alleged to have resulted in, any injury or death of an officer or another person.
 - 3. Physical force was applied through the use of non-lethal weapons. This does not include physical touching merely to guide or assist an individual.
 - 4. The officer is injured as a result of being assaulted, even though the officer may have not used force against the assailant. A First Report of Injury form should also be filed for duty related injuries where worker's compensation is applicable. If for any reason the officer is unable to complete the report, the officer's immediate supervisor shall complete the report.
- B. All Use of Force Reports will be forwarded immediately to the Chief of Police for review. The Chief may order any additional investigation that may be deemed necessary, convene the Use of Force Review Board and/or take disciplinary action.
- C. Upon order of the Chief of Police the Use of Force Review Board will convene as soon as possible after the conclusion of an investigation involving the use of force resulting in serious injury or death, by a Department member or as otherwise ordered by the Chief of Police. This board will consist of the following members of the Department:
 - 1. The Chief's designee (board chairperson).
 - 2. The immediate supervisor of the police officer who used force.
 - 3. The appropriate Non-Lethal Weapons or Unarmed Self-Defense Training Officer.

D. The board will evaluate in detail and in fact-finding fashion each aspect of an officer-involved use of force. Such evaluation will include:

1. A thorough review of all circumstances leading to the incident.
2. A thorough review of all investigative reports and witness statements regarding the incident.
3. Hearing of direct testimony, if necessary, from officers and witnesses.

E. The board will make a finding whether the use of force was within policy, out of policy, accidental or otherwise, and will make a confidential report to the Police Chief.

(Ref: CALEA 1.3.7)

VIII. Annual Analysis of Use of Force Reports

Annually, the Chief of Police will review and analyze all Use of Force Reports to determine if patterns or trends indicate training needs or policy modifications.

(Ref: CALEA 1.3.13)

Mark P. Fallaw
Chief of Police

Date

NORTH POLICE DEPARTMENT

Use of Force Report

Related Case Number: _____

Incident Information:

Officer: _____

Date of Incident: _____ Time of Incident: _____

Location of Incident: _____

Type of Call/Circumstances/Situation: _____

Back-Up Officers: _____

****All officers using force will complete a separate form****

Witness/Witnesses other than Police Officer(s): Name: _____

Address: _____ Phone: _____

Supervisor's Name: _____ At Scene: _____

If No, Was Supervisor Notified: _____ Date: _____ Time: _____

Subject Profile:

Name: _____

Sex: _____ Race: _____ Age: _____ DOB: _____

Height: _____ Weight: _____ SSN: _____

Clothing Description: _____

Pre-existing Medical Conditions; such as asthma or other respiratory problems, heart condition, skin lesions, eye conditions, pregnancy, etc.: _____

Subject Condition Prior to Altercation; such as influence of alcohol or drugs, mentally deranged, enraged, other, unknown: _____

Specifics of Weapon(s):

Describe Any Weapon(s) Used Against Victim or Officers: _____

Specifics of Weapon(s) Used; such as Personal, OC, Baton, Firearm: (Describe Caliber, Make, Model and Serial Number of Firearm, Lot and Expiration of OC Spray, etc.)

If OC Spray was Used, Describe Decontamination Process: _____

Injuries:

Was an Officer(s) Injured? _____ If so, Type of Injury: _____

Medical Treatment Provided By: _____

Treated and Release Date: _____ Time: _____

Was the Subject Injured? _____ If so, Type of Injury: _____

Medical Treatment Provided By: _____

Treated and Release Date: _____ Time: _____

Was a Victim Injured? _____ If so, Type of Injury: _____

Medical Treatment Provided By: _____

Treated and Release Date: _____ Time: _____

Transportation:

Was Subject Arrested? _____ If so, Charges: _____

Destination: _____ Time in Transit: _____

Mode of Transportation; (Police Vehicle, EMS, etc.) _____

Officer's Narrative:

Date of Report: _____ Time of Report: _____

Officer's Signature: _____

Supervisor's Signature: _____

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
6.3.2

Subject
Use of Deadly Force

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 1

Distribution
All Personnel

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Pages
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I. Purpose

To clearly define Department policy regarding the use of deadly force.

II. Definitions

- | | | |
|----|-------------------|--|
| A. | Deadly Force | Any use of force that is likely to cause death or serious physical injury. |
| B. | Great Bodily Harm | As used in this procedure means any physical injury that carries a substantial risk of death, permanent incapacity, permanent disfigurement, or acute pain of such duration as to result in substantial suffering. |
| C. | Lethal Weapon | An instrument, object or substance designed or used in a manner to cause death or serious physical injury. |
| D. | Line Duty | Regular assigned law enforcement duty. |
| E. | Non-Lethal Force | Any use of force that is not considered to be deadly force. |
| F. | Non-Lethal Weapon | An instrument, object or substance not designed or used in a manner to cause death or serious physical injury. |
| G. | Physical Force | Any force required to overcome an assault or active resistance to arrest, or to control or restrain the movement of another, and that may result in, or is alleged to have resulted in, death or injury. |

- | | | |
|----|-------------------------|---|
| H. | Physical Injury | As used in this procedure is defined as: any injury or physical trauma. |
| I. | Reasonable Belief | The facts or circumstances an officer knows or should know that would cause an ordinary and prudent person to act or think in a similar manner under similar circumstances. |
| J. | Risk | A significant possibility, as contrasted with a remote possibility, that a certain result may occur or certain circumstances may exist. |
| K. | Serious Physical Injury | An injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ. |

III. Policy

It is the policy of the North Police Department to use only that force that is necessary to accomplish lawful objectives.

IV. Officer Responsibility

- | | |
|----|---|
| A. | The use of force of a particular type and amount of force must be judged from the officer's perspective at the scene. The proper application of force requires careful attention to the facts and circumstances known or available to the officer involved at the time including: |
| 1. | Whether the suspect poses an immediate serious threat to the safety of the officer or others; |
| 2. | The severity of the crime committed; and |
| 3. | Whether the suspect is physically resisting arrest or merely attempting to evade arrest by flight. |
| B. | In an effort to accomplish lawful objectives, an officer may use a range of options to obtain compliance. Officers are not restricted to these options or this sequence. |
| 1. | Officer presence |
| 2. | Verbal requests/commands |
| 3. | Physical force that does not inflict pain |
| 4. | Physical force that inflicts pain |
| 5. | Non-lethal weapons (e.g. baton or Oleoresin Capsicum) |

6. Physical strikes
7. Deadly force

V. Procedure

- A. Officers shall use only the force necessary to accomplish lawful objectives.
(Ref: CALEA 1.3.1)
- B. An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of great bodily harm.
(Ref: CALEA 1.3.2)
- C. Deadly force shall not be used against a "fleeing felon" unless the conditions of Section IV B above are met.
- D. Warning shots are prohibited. (Ref: CALEA 1.3.3)
- E. The killing of an animal is justified (1) for self-defense, (2) to prevent substantial harm to the officer or another, or (3) when the animal is so badly injured that humanity requires its relief from further suffering. Action taken under item 3 requires approval by a supervisor.

VI. Elements of Deadly Force and Use of Control Continuum

- A. The three elements of the use of deadly force are:
 1. Ability: The capability or means to cause great bodily harm or death.
 2. Opportunity: In a position to cause great bodily harm or death.
 3. Jeopardy: An overt threatening move or gesture that could cause great bodily harm or death.
- B. All three elements must exist to justify the use of deadly force.
- C. The use of control continuum represents the levels of control used by a police officer. In ascending order, from lowest to highest, are:
 1. Officer presence
 2. Verbal directions/commands
 3. Empty hand control and/or Oleoresin Capsicum
 4. ASP Baton

5. Lethal Force

- D. While officers should adhere to the use of force continuum there are many variables that may affect an officer's decision to escalate or de-escalate the level of control.

These variables are:

1. Officer's and subject's size and gender
2. Environmental conditions - one officer v. one subject, multiple officers v. one subject, multiple subjects v. one officer, nighttime v. daytime, number and type(s) of weapons involved, etc.
3. Reaction time - the time it takes to perceive a threat and then to react to it physically.
4. Totality of circumstances - review of the above variables and examining the relationship between each one or all together as they relate to the situation at hand.

VII. Acknowledgement

- A. Every officer shall be issued a copy of this procedure. They also shall be instructed in the contents of this procedure by a review of the procedure by their immediate supervisor. Newly hired officers shall be issued a copy of this procedure, shall be instructed in this procedure by the training officer and shall qualify in proficiency with their weapons before they are permitted to carry their weapons in the line of duty. (Ref: CALEA 1.3.12)
- B. A memorandum stating that officers have read and have been instructed in this policy will be signed and placed in each officer's personnel jacket as indicated in the following:
1. Upon initial issuance of this policy (for current police officers).
 2. Upon initial employment (for newly hired officers).

VIII. Proficiency Training

- A. Only officers who have demonstrated proficiency in the use of agency authorized weapons will be approved to carry such weapons.
- B. Proficiency training for firearms will include a safety briefing, a review of this procedure concerning Deadly Force and qualification on a prescribed course of fire.
- C. The instruction and qualification of all weapons will be provided by a certified firearms instructor.

- D. Every officer will qualify with duty sidearms at least twice each calendar year and once with any off duty weapon(s). It shall be the responsibility of the Training Officer to schedule firearms qualification for all officers in accordance with this procedure and to document the training and proficiency scores.
- E. Every officer may qualify at least twice each year but must qualify at least once with the Department approved shotgun. Such qualification will include, in addition to proficiency in firing the weapon, familiarization with loading and unloading the shotgun, safe handling of the shotgun, and the proper method to remove the shotgun from the vehicle. It is the responsibility of the Training Officer to schedule firearms training for all officers and to document the training and proficiency scores.
- F. In addition to qualification for proficiency, officers will be required annually to achieve at least a 70% score to pass a written examination. This written exam will cover the Department's use of force policies and procedures. This exam will be administered by the training officer. (Ref: CALEA 1.3.10)
- G. All weapons training shall be monitored by a certified weapons instructor who will document the training and scores and make report to the training officer. (Ref: CALEA 1.3.11, Items A and B)
- H. Continued use of the weapon is conditional upon certified inspection and successful proficiency qualification. Unsafe weapons will immediately be removed from service until they are repaired and re-inspected.
- I. Officers who fail to qualify with their weapons or to pass the written test provided in this procedure shall not be authorized to carry such weapons until they have successfully completed the remedial training under the instruction of a certified weapons instructor, and may be required to re-test within 10 days of their failure. When any officer fails to qualify, the Chief of Police must be notified and the officer must meet proficiency prior to resuming official duties. Officers who continue to fail qualification with their weapon(s) or the written test after this remedial training will be referred to the Chief of Police for possible medical evaluation or disciplinary action. (Ref: CALEA 1.3.11, Item C)

IX. Authorized Firearms and Ammunition

Use of Firearms

- A. The official Department issued handgun(s) is the Glock, model 19, 21, 22, 23 or 27, chambered to fire 9mm or .40 caliber ammunition respectively. Approved shotguns are the Mossberg and Remington 870. Approved ammunition for use in these shotguns is 00 buckshot or 1oz rifled slug.
- B. Officers shall exercise due care in handling firearms.
- C. The decision to use a firearm must be based on facts and the totality of the circumstances known to the officer(s) involved.

D. Because any discharge of a firearm may constitute deadly force, warning shots are prohibited.

E. Officers must use authorized firearms in performing their duties.

1. In situations where the officer has reasonable belief that deadly force is justified, there is a high probability of striking the intended target, and the discharge poses no substantial risks to the safety of the officer(s) or innocent bystanders;
2. To kill an animal that is an immediate threat to any person or law enforcement canine;
3. To kill a sick or injured animal for humanitarian reasons when all other means have been exhausted. Officers must secure permission from an animal owner when feasible.
4. For authorized practice, training, qualification or firearm competition

F. Officers in an on-duty or off-duty status shall carry only the Department issued firearm or approved personal weapon and ammunition that has been approved in writing by the Chief of Police and the Department firearms instructor. Weapons of .38 or 9 mm caliber, double action may be approved for on-duty or off-duty use. Authorized manufacturers of these weapons are Smith & Wesson, Glock, Beretta, Colt, Sig Sauer, Heckler & Koch and Ruger. Weapons of .380 caliber may be approved for off-duty, secondary (back up) or special assignment use by the Chief of Police. Authorized manufacturers of these weapons are Heckler & Koch, Colt, Smith & Wesson, Beretta and Walther. On-duty uniform officers must carry their sidearm in an approved security type holster. Shotguns will be 12 gauge pump action with a minimum 18 inch barrel. Authorized manufacturers are Remington and Smith & Wesson.

(Ref: CALEA 1.3.9, Item A)

G. The type and specification of ammunition approved for use, on-duty and off-duty, will be as follows:

1. .38 caliber 158 grain +P
2. 9 mm 115 grain +P+ JHP
3. .380 caliber 88 grain JHP
4. 12 gauge 00 Buck shot
Rifled slug 1 oz.
5. .40 caliber 155-180 grain JHP

This ammunition is the only type of ammunition approved for use, on-duty or off-duty.

(Ref: CALEA 1.3.9, Item B)

- H. Before any weapon is used by any employee in the performance of their duty and prior to carrying it on-duty or off-duty, the employee must submit the weapon to a certified firearms instructor of the Department to be reviewed and inspected for compliance with this procedure, proper operating condition and safety. If approved by the instructor, he/she will complete the weapons request form, qualify with the firearm and submit the request form to the Chief of Police for final approval.

If at any time a weapon is found to be malfunctioning or otherwise unsafe, the officer has the responsibility to immediately remove the weapon from service and to notify his/her supervisor so that the weapon may be replaced until it is repaired. Any supervisor has the responsibility to order an unsafe or malfunctioning weapon to be immediately removed from service and will report this to the Chief's designee so that the weapon can be replaced until it is repaired. Any weapon that is found to be unsafe or malfunctioning will not be returned to service until inspected by a departmental, certified firearms instructor. The Department will pay for all repairs of weapons owned by the Department. Repairs of personally owned weapons will be the responsibility of the individual officer. (Ref: CALEA 1.3.9, Item C)

- I. An officer who is on off-duty status may, in the State of South Carolina, carry a Department-issued or personal weapon and ammunition that has been approved by the Chief of Police and a Department certified firearms instructor. The officer must demonstrate his/her safe and proficient use with this weapon during regular firearm qualification. An officer who elects not to carry a handgun while off-duty, shall not be subjected to disciplinary action if an occasion should arise in which he/she does not take action in an incident in which he/she would have taken police action if he/she were armed. Off-duty officers must carry their official identification at all times while carrying a weapon. All weapons must be carried in a concealed manner unless in uniform. Off-duty officers operating Department vehicles must be properly armed. Officers who intend to consume alcoholic beverages will not carry a firearm.

An officer may not carry a weapon in any other state under his/her commission with the Town of North. This does not include on-duty officers who are on lawful extradition missions. Neither does it preclude an off-duty officer from carrying a weapon out of state so long as the officer conforms to the law of that state.

- J. The Training Officer will maintain a record on each weapon for each officer which has been approved for official use on-duty or off-duty. This record will include the type, description, model, serial number, owner or assignee's name, names of approving officers, the course fired and qualification score. All approvals are conditional upon periodic re-qualification as required by this procedure. (Ref: CALEA 1.3.9, Item D)

X. Procedure When Shots Have Been Fired

- A. Whenever an officer discharges his/her firearm either accidentally or intentionally, except as a proper part of a training exercise or during legal hunting, the officer shall immediately:
 - 1. Determine if any individual has been struck by the rounds fired, determine the physical condition of any individual who has been injured, render first aid when appropriate and notify EMS to respond.
 - 2. Notify the Orangeburg County Dispatch Center or appropriate agency of the incident, the location and request a supervisor from the Department to respond. Also request that OCDC notify the Chief of Police of the incident.
- B. The officer will remain on the scene of the shots fired incident unless injured or instructed otherwise by a supervisor. The supervisor is responsible for preservation of the scene. The supervisor will take immediate custody of the weapon used. Unless there are extenuating circumstances, the supervisor may provide that officer with another weapon.
- C. The responding supervisor will direct a crime scene investigation to include statements from witnesses to the incident, determining where shots fired have landed, and whatever photographs and physical evidence collection is necessary and appropriate. The responding supervisor is authorized to call in any resources necessary to conduct this investigation, including technical assistance or manpower from other law enforcement agencies; i.e., SLED, Orangeburg County Sheriff's Office, Orangeburg Solicitor's Office, etc.
- D. The Chief of Police shall be notified immediately of all shots fired by any police personnel in the Town of North or any shots fired by any North Police Officer. The Chief of Police (or Acting Chief in his/her absence) will respond and coordinate the investigation whenever an individual has been shot by a North Police Officer. The Chief of Police will formally request an investigation by SLED whenever injury or death occurs.
- E. All officers involved in the incident will prepare a written Use of Force report and sworn statement that completely and accurately sets forth all circumstances surrounding the incident. The reports will be completed by the officer(s) who actually used the force. A sworn statement will be given by all officers at the scene and will be requested from any other witnesses. The ranking officer at the scene is responsible for ensuring that these reports are filed before the end of the officer's shift. If an officer is incapable of filing the reports at that time, the officer will file the reports as soon as he/she is able to do so. These reports are submitted anytime a firearm is discharged for other than training or recreational purposes, whether accidentally or intentionally. This procedure is not intended to document only the display of weapons by officers.

(Ref: CALEA 1.3.6, Item A)

- F. The Use of Force report and sworn statement are to be completed in accordance with this procedure whenever the officer's actions results in or is alleged to have resulted in injury or death of another person.
(Ref: CALEA 1.3.6, Item B)
- G. The Use of Force report is required anytime any force is actually applied using any lethal or non-lethal weapon.
(Ref: CALEA 1.3.6, Item C)
- H. The Use of Force report is required anytime an officer uses physical force as defined in "Use of Non-Lethal Force."
(Ref: CALEA 1.3.6, Item A)
- I. The supervisor in charge of the investigation will also compose a confidential report directed to the Police Chief. It will outline all actions taken in the investigation of the incident, including an opinion of whether or not the shot(s) fired were in accordance with the provisions of this procedure. A preliminary draft of this report will be given to the Chief of Police within 24 hours of the incident.
- J. Officers involved in the shots fired incident should not discuss the case with anyone except: (1) supervisory and investigative personnel involved in the investigation; (2) the Town Attorney; (3) the officer's immediate family, personal attorney (if any), psychologist or clergy member.
- K. All other supervisors and members of the Department shall be guided by the measures outlined in the "Release of Information" procedure.
- L. When an officer is involved in any use of force incident that results in death or serious injury, the officer will be removed from duty upon completion of the preliminary investigation and placed on administrative leave until the incident has been reviewed by the Use of Deadly Force Review Board. This action will be taken:
1. To protect the community's interest when officers may have exceeded the scope of their authority in the use of deadly force.
 2. To shield officers who have not exceeded the scope of their authority with possible confrontations with anyone in the community.
(Ref: CALEA 1.3.8)
- M. Administrative leave will be without loss of pay or benefits, and such leave shall not be interpreted to imply or indicate that the officer has acted improperly. While on administrative leave the officer must remain available at all times for official departmental interviews and statements regarding the incident, and may be subject to recall to duty at any time. The Chief of Police shall be empowered to change administrative leave to administrative duty or to suspension without pay at his/her discretion.

XI. Forcible Vehicle Stops

The use of a vehicle to force another vehicle to stop constitutes deadly force and should be conducted in accordance with the Pursuit policy.

XII. Counseling Services

- A. In all cases where any person has been injured or killed as a result of the use of deadly force by a North Police Officer or has otherwise been directly involved in a traumatic, life threatening incident, the involved police officer may be required to undergo a debriefing with a post trauma counselor as soon as possible. The debriefing will be arranged by the Chief or Chief's designee. The purpose of this debriefing will be to allow the officer to express his/her feelings and to deal with the moral, ethical, and/or psychological after-effects of the incident. The debriefing will not be related to any departmental investigation of the incident and nothing discussed in the debriefing will be reported to the Department without the voluntary permission of the involved officer. The debriefing session will be provided by the Department.
- B. In all cases where any person has been injured or killed by a North Police Officer or the officer has been involved in a traumatic incident, the involved officer and his/her family will have the services of the Department chaplain available to them. The purpose of this offer is to provide the officer and/or his/her family with a source of professional consultation to aid them as a family, with potential moral and ethical after-effects of the incident. The consultation sessions will be protected by privileged relationship as applicable. Also, if approved by the Chief of Police, the officer's family may be provided access to a post trauma counselor.

XIII. Use of Force Review

- A. All Use of Force reports will be forwarded immediately to the Chief of Police for review. The Chief may order any additional investigation that may be deemed necessary, convene the Use of Force Review Board and/or take disciplinary action.
- B. Upon order of the Chief of Police, the Use of Force Review Board will convene as soon as possible after the conclusion of an investigation involving the discharge of a firearm or other use of deadly force by a Department member or as otherwise ordered by the Chief of Police.

The Use of Force Review Board will consist of the following members of the Department:

1. The Chief's designee (board chairperson).
2. The immediate supervisor of the police officer who used the force.
3. A certified weapons instructor of the type weapon used.

- C. The board will evaluate, in a fact-finding fashion, each aspect of an officer-involved shooting or other use of force. Such evaluation will include:
1. A review of all circumstances leading up to the incident.
 2. A review of all investigative reports and witness statements regarding the incident.
 3. Hearing of direct testimony, if necessary, from officers and witnesses.
- D. The Board will make a confidential report of their findings to the Police Chief.
(Ref: CALEA 1.3.7)

Mark P. Fallaw
Chief of Police

Date

NORTH POLICE DEPARTMENT

Use of Force Report

Related Case Number: _____

Incident Information:

Officer: _____

Date of Incident: _____ Time of Incident: _____

Location of Incident: _____

Type of Call/Circumstances/Situation: _____

Back-Up Officers: _____

****All officers using force will complete a separate form****

Witness/Witnesses other than Police Officer(s): Name: _____

Address: _____ Phone: _____

Supervisor's Name: _____ At Scene: _____

If No, Was Supervisor Notified: _____ Date: _____ Time: _____

Subject Profile:

Name: _____

Sex: _____ Race: _____ Age: _____ DOB: _____

Height: _____ Weight: _____ SSN: _____

Clothing Description: _____

Pre-existing Medical Conditions; such as asthma or other respiratory problems, heart condition, skin lesions, eye conditions, pregnancy, etc.: _____

Subject Condition Prior to Altercation; such as influence of alcohol or drugs, mentally deranged, enraged, other, unknown: _____

Specifics of Weapon(s):

Describe Any Weapon(s) Used Against Victim or Officers: _____

Specifics of Weapon(s) Used; such as Personal, OC, Baton, Firearm: (Describe Caliber, Make, Model and Serial Number of Firearm, Lot and Expiration of OC Spray, etc.)

If OC Spray was Used, Describe Decontamination Process: _____

Injuries:

Was an Officer(s) Injured? _____ If so, Type of Injury: _____

Medical Treatment Provided By: _____

Treated and Release Date: _____ Time: _____

Was the Subject Injured? _____ If so, Type of Injury: _____

Medical Treatment Provided By: _____

Treated and Release Date: _____ Time: _____

Was a Victim Injured? _____ If so, Type of Injury: _____

Medical Treatment Provided By: _____

Treated and Release Date: _____ Time: _____

Transportation:

Was Subject Arrested? _____ If so, Charges: _____

Destination: _____ Time in Transit: _____

Mode of Transportation; (Police Vehicle, EMS, etc.) _____

Officer's Narrative:

Date of Report: _____ Time of Report: _____

Officer's Signature: _____

Supervisor's Signature: _____

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
6.4.1

Subject
Use of ASP Baton and Oleoresin Capsicum

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 1

Distribution
All Personnel

Re-Evaluation
Annual

Pages
3

I. Purpose

To outline Department policy regarding a police officer's use of the ASP baton or the Oleoresin Capsicum weapon.

II. Policy

- A. It is the policy of the North Police Department that its officers use only the force necessary to accomplish lawful objectives. (Ref: CALEA 1.3.1)
- B. A police officer shall use weapons only in the lawful execution of his/her duties to:
 - 1. Defend him/herself in the event of attack.
 - 2. Protect citizens from attacks by others.
 - 3. Attempt to control an assailant when in close quarters.
 - 4. Effect an arrest when resistance is encountered.
- C. When it becomes necessary to use the ASP baton or Oleoresin Capsicum weapon in an arrest situation, officers shall use only that force that is necessary to effect the arrest, defend themselves and/or others or to control a subject.

III. Procedure

- A. The authorized weapons for the North Police Department are the ASP Baton and Oleoresin Capsicum weapons. (Ref: CALEA 1.3.9, Item A)

- B. Prior to carrying any of these authorized weapons, the weapon must be inspected and approved by a qualified instructor for that particular weapon. The instructor or any supervisor who inspects a weapon and finds it to be unsafe is responsible for ordering that it be removed from service until it can be repaired or replaced. The Chief will be notified by the instructor or the supervisor who discovers an unsafe weapon. Officers must complete the required training before carrying any weapon. (Ref: CALEA 1.3.9, Item C)
- C. Only officers who have demonstrated proficiency to the appropriate certified weapons instructor will be authorized to carry that authorized weapon.
(Ref: CALEA 1.3.10)
- D. The Training Officer is responsible for maintaining a record in the training file for each officer that the officer is certified to carry the indicated or authorized weapon(s).
(Ref: CALEA 1.3.9, Item D)
- E. The ASP police baton will be issued to all officers who have successfully completed an 8-hour training course administered by a certified instructor.
- F. Each officer who has been issued an ASP baton will be required to successfully complete a 4-hour re-certification course annually.
- G. The Oleoresin Capsicum weapon will be issued to all officers and all officers must successfully complete a 4-hour training course administered by a certified instructor.
- H. Each officer will be required to successfully complete a 2-hour re-certification course annually.
(Ref: CALEA 1.3.9, Item A)
- I. All such training shall include procedures for rendering appropriate medical aid as may be required after the use of these weapons. Medical aid procedures includes on-scene first aid by the officer, decontamination by officer when Oleoresin Capsicum is used, requesting Orangeburg County EMS response or transportation to a medical facility by an officer when approved by a supervisor and the injury appears to be non-life threatening.
(Ref: CALEA 1.3.5)
- J. Annually, each officer is required to receive in-service training on the Department's use of force policy and demonstrate proficiency with any approved weapon the officer is authorized to use.
(Ref: CALEA 1.3.11)
- K. The proficiency training must be provided by a certified weapons instructor for that particular weapon.
(Ref: CALEA 1.3.11, Item A)
- L. The training and proficiency will be documented in the Department's training file as outlined in the Training Procedure section in Chapter 3 of this manual.
(Ref: CALEA 1.3.11, Item B)

- M. If an officer is unable to qualify with a weapon, the instructor may immediately retest the officer. If the officer still cannot qualify, the officer will immediately report to the Chief of Police. The Chief will determine whether the officer may return to duty without the weapon until remedial training and qualification is completed. The Chief will direct the Training Officer to have a certified instructor conduct the remedial training and qualification within ten days. The Chief may determine that failure to qualify is grounds for disciplinary action.

(Ref: CALEA 1.3.11, Item C)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
6.5.1

Subject
Use of Body Armor

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 41

Distribution
All Personnel

Re-Evaluation
Annual

Pages
3

I. Purpose

The purpose of this policy is to provide officers with guidelines for the proper use and care of soft body armor.

II. Policy

It is the policy of the North Police Department to maximize officer safety through the use of body armor in conjunction with the practice of prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for sound, basic safety procedures.

III. Procedure

A. Issuance of Body Armor

1. All officers shall be issued body armor unless the officer desires to use his/her own body armor. The body armor must be approved by the Chief of Police.
2. Body armor that is worn, damaged or out of warranty shall be replaced by the Department. Body armor that must be replaced due to misuse or abuse shall be paid for by the officer.
3. When an officer terminates his/her employment, the Chief of Police may allow the officer to purchase his/her issued vest for an established price.

B. Use of Body Armor

1. All officers engaged in street police duties are required to wear body armor unless exempted by this policy. All officers assigned or engaged in special tactics, service of warrants, traffic checkpoints, other special assignments or assignments or duties as required by the Chief must use body armor. This includes off-duty police related employment by an officer in uniform.
2. An officer may be exempt from wearing body armor under any of the following circumstances:
 - a. When a physician states, in writing, that an officer has a medical condition that would preclude use of body armor; or
 - b. When the officer is involved in undercover or plain clothes work that the officer's supervisor determines would be compromised by use of body armor; or
 - c. When the officer is assigned to perform an administrative function that usually involves no patrol or response to patrol situations; or
 - d. During training, except when specified otherwise by the instructor or the Training Officer; or
 - e. When the Chief of Police determines an exemption is appropriate due to an exceptional circumstance; i.e. on day shift when the temperature is excessive, etc.
4. Officers shall wear only Department approved body armor.
5. On those occasions when exempted from wearing soft body armor, the officer must have his/her personal armor ready at hand and within reach in his/her vehicle. (Ref: CALEA 41.3.6)

C. Inspections of Body Armor

Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this policy.

D. Care and Maintenance of Body Armor

1. Each officer is responsible for the proper storage and daily inspection of his/her body armor for signs of damage and general cleanliness.
2. When off-duty, the officer shall store his/her body armor in accordance with the manufacturer's instructions.

3. Each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.
4. Officers are responsible for reporting, in writing, any damage or wear to the ballistic panels or cover to the officer's immediate supervisor. The supervisor will then notify the Chief of Police.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
6.6.1

Subject
Authority and Use of Police Discretion

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 1 and SC Code of Laws, Titles 5, 20, 56

Distribution
All Personnel

Re-Evaluation
Annual

Pages
8

I. Purpose

To delineate the basis and limits of authority for the North Police Department.

To define the basis and guidelines for the use of discretion by members of the North Police Department.

II. Policy

Much of the authority and discretion possessed by police officers is broad in scope, with the inherent ability to deprive individuals of their two most precious possessions - their freedom and their lives. Officers must always be vigilant to exercise caution to avoid the misuse or abuse of these powers. Officers have a choice of a number of alternatives to handle situations, and only through training and conscientious application of these techniques can a police officer balance the rights of individuals with the rights of our society.

III. Procedure

A. Legally Mandated Authority

1. The Federal Constitution, SC Constitution and SC Code of Laws defines the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes and ordinances.
2. SC Code of Laws 5-7-30 and 5-7-110 vests law enforcement officers with the authority to enforce the laws of the State and the ordinances of the jurisdiction in which they are appointed. It authorizes the municipality to appoint police officers.
3. The Municipal Code of the Town of North authorizes and establishes the Police Department and its authority to enforce the laws of South Carolina and the ordinances of the Town of North.

4. North Police Officers are vested with the authority and responsibility to enforce all of the criminal and traffic laws of the State of South Carolina and the ordinances of the Town of North within the corporate limits of the Town of North and any property owned, leased or controlled by the Town of North. Other police powers outside the Town limits are limited to hot pursuits in the county in which they are initiated, arrests for felonies and actions as part of mutual aid agreements and metro narcotic agreements.

(Ref: CALEA 1.2.1)

B. Use of Discretion

1. Discretionary power is the power of free decision, or latitude of choice within certain legal bounds. When this power is poorly exercised, discretionary power may be viewed by the public as favoritism, bias or corruption. Therefore, it is imperative that officers use consideration when exercising discretionary power for the goals and objectives of the Department, the best interests of the public they serve, any mitigating circumstances, and the volatility of the situation at hand. Officers must not solely allow a subject's attitude to dictate their use of discretion.
2. Generally, officers may exercise discretion of alternatives to arrest in misdemeanor offenses where a warrant has not yet been issued, but no discretion is allowable in felony offenses or in crimes of violence where probable cause exists. Officers who need guidance in exercising discretion should refer to procedures or contact a supervisor for assistance.
3. Officers should not exercise discretion in instances that allow a violation of law to continue.
(Ref: CALEA 1.2.6)

C. Alternatives to Arrest

1. The power of arrest granted to police officers is one of the alternatives available to them under circumstances that require some form of police action. Additional alternatives that are effective and still allow an officer an alternative to arrest are issuing a summons in lieu of arrest or summons after arrest without warrant.
 - a. Use of the State Uniform Traffic Citation is permitted in lieu of obtaining an arrest warrant for traffic offenses, a number of designated State criminal law offenses and municipal violations under SC Code of Laws 56-7-10. The Uniform Traffic Citation should be used in all offenses where allowed by SC Code of Laws 56-7-10.

- b. Under the provisions of SC Code of Laws 56-7-10, the officer shall cite and release offenders except in cases where an arrest is necessary to prevent further violence, protect human life or to quell a disturbance, the violation is a General Sessions offense, the offense is driving under the influence, criminal domestic violence, assault and battery, possession of illicit drugs, shoplifting, resisting arrest, driving under suspension and in any case in which the subject cannot be properly identified. Any exception to this procedure must first be approved by the supervisor and must be made for good cause.
 - c. Cases involving juvenile traffic offenders shall be set before an adult court of appropriate jurisdiction as provided in SC Code of Laws 20-7-410.
 - d. Subjects shall not be arrested solely because of minor traffic violations, ABC violations, open container, and similar minor offenses where a citation may lawfully be used in lieu of custodial arrest.
 - e. The Non-Resident Violators Compact (NRVC) provides a procedure whereby a non-resident receiving a traffic citation in a NRVC member state must fulfill the terms of that citation or face the possibility of license suspension in the motorist's home state until the terms of the citation are satisfied.
2. In lieu of formal action, an officer may exercise discretion and choose informal action to solve the problem, such as referral, informal resolution, and warning.
- a. Referrals - The officer shall offer referrals to other agencies and organizations when, in his/her discretionary judgment, it is the most reasonable alternative for the offender and the violation.
 - b. Informal Resolution - An officer, at his/her discretion, may offer informal resolutions to situations and conflicts when in the officer's judgment they can be adequately resolved by use of a verbal warning, informing the proper agency or organization, advising parents of juvenile activity, etc.
 - c. Warnings - A warning may be issued by an officer when, in his/her discretionary judgment, it is the most reasonable alternative for the offender and the violation. Attitude alone should not be the deciding factor in whether an officer gives a subject a warning.

3. Release without charges

If someone is arrested on probable cause and further investigation by the arresting officer determines that sufficient probable cause no longer exists, a supervisor will be immediately notified. Once determined, the municipal judge shall be notified and the suspect must be released as soon as possible. If possible, a Waiver of Liability form should be signed by the suspect. Under no circumstances should the suspect's release be contingent upon signing the form.

It is imperative that in these situations, a detailed report of arrest is completed outlining the events that led to the probable cause for the arrest.

In all such cases the Chief of Police or his/her designee shall be immediately notified. (Ref: CALEA 1.2.5)

D. Oath of Office

1. Each Department member, prior to assuming sworn or non-sworn status, is required to take an Oath of Office to enforce the law and uphold the Constitution of the United States, the Constitution of the State of South Carolina, and the ordinances and resolutions of the Town of North.
2. This oath will be administered orally by the Chief of Police or the Chief's designee and a signed copy will be placed in the officer's personnel file.

(Ref: CALEA 1.1.1)

E. Canons of Police Ethics/Law Enforcement Code of Ethics

The North Police Department subscribes to the Canons of Police Ethics and Law Enforcement Code of Ethics as adopted by the International Association of Chiefs of Police. All sworn officers are expected to abide by the code and canons of ethics at all times.

(Ref: CALEA 1.1.2)

LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality, and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit my personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession, law enforcement.

CANONS OF POLICE ETHICS

Article I. Primary Responsibility of Job

The primary responsibility of the police service, and of the individual officer, is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

Article II. Limitations of Authority

The first duty of law enforcement officers as upholders of the law is to know its bounds upon them in enforcing it. Because they represent the legal will of the community, be it local, state, or federal, they must be aware of the limitations and restrictions which the people, through law, have placed upon them. They must recognize the genius of the American system of government which gives to no person, groups of persons, or institution absolute power; and they must insure that they, as prime defenders of that system, do not pervert its character.

Article III. Duty to be Familiar with the Law and with Responsibilities of Self and Other Public Officials

Law enforcement officers shall assiduously apply themselves to the study of the principles of the law which they are sworn to uphold. They shall make certain of their responsibilities in the particulars of their enforcement, seeking aid from their superiors in matters of technicality or principle when these are not clear to them; they will make special effort to fully understand their relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

Article IV. Utilization of Proper Means to Gain Proper Ends

Law enforcement officers shall be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

Article V. Cooperation with Public officials in the Discharge of their Authorized Duties

Law enforcement officers shall cooperate fully with other public officials in the discharge of authorized duties, regardless of past affiliation or personal prejudice. They shall be meticulous, however, in assuring themselves of the propriety under the law of such actions and shall guard against the use of their office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, they shall seek authority from their superior officers, giving them a full report of the proposed service or action.

Article VI. Private Conduct

Law enforcement officers shall be mindful of their special identification by the public as upholders of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. Following the career of a police officer gives no person special prerequisites. It does give the satisfaction and pride of following and furthering the

unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, they will so conduct their private life that the public will regard them as an example of stability, fidelity, and morality.

Article VII. Conduct Toward the Public

Law enforcement officers, mindful of their responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. Law enforcement officers shall conduct their official life in a manner such as will inspire confidence and trust. Thus, they will be neither inspired nor subservient, as no individual citizen has an obligation to stand in awe of them nor a right to command them. The officers shall give service where they can and require compliance with the law. They will do neither from personal preference or prejudice but rather as duly appointed officers of the law discharging their sworn obligation.

Article VIII. Powers of Arrest

Law enforcement officers shall use their powers of arrest strictly in accordance with the law and with due regard to the rights of the citizens concerned. Their office gives them no right to prosecute the violator nor to mete out punishment for the offense. They shall, at all times, have a clear appreciation of their responsibilities and limitations regarding detention of the violator; they shall conduct themselves in such a manner as will minimize the possibility of having to use force. To this end they shall cultivate a dedication to the service of the people and the equitable upholding of their laws, whether in the handling of law violators or in dealing with the law-abiding.

Article IX. Gifts and Favors

Law enforcement officers, representing government, bear the heavy responsibility of maintaining, in their own conduct, the honor and integrity of all government institutions. They shall, therefore, guard against placing themselves in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, they should be firm in refusing gifts, favors, or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing their judgment in the discharge of their duties.

Article X. Presentation of Evidence

Law enforcement officers shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. They shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing they will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word. Law enforcement officers shall take special pains to increase their perception and skill of observation, mindful that in many situations theirs is the sole impartial testimony to the facts of a case.

Article XI. Discharge of Duties

Law enforcement officers shall regard the discharge of their duties as a public trust and recognize their responsibility as public servants. By diligent study and sincere attention to self-improvement, they shall strive to make the best possible application of science to the solution of crime and, in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. They shall appreciate the importance and responsibility of their office; hold police work to be an honorable profession rendering valuable service to their community and their country.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
6.7.1

Subject
Arrests

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 1 and SC Code of Laws, Titles 17, 56

Distribution
All Personnel

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I. Purpose

To establish procedures for lawful arrests with and without warrants.

II. Policy

It is the policy of the North Police Department to make lawful arrests and to adhere to the procedures imposed by the U.S. Constitution, the U.S. Supreme Court, the lower courts and the Constitution and laws of the State of South Carolina.

III. Definitions

A. Arrest

To deprive a person of his liberty, by legal authority, for the purpose of holding or detaining him to answer a criminal charge. Arrest involves: (1) the authority to arrest; (2) the assertion of that authority with the intent to effect an arrest; (3) and the restraint of the person to be arrested.

B. Probable Cause

Facts and circumstances exist within the arresting officer's knowledge and are sufficient to warrant a reasonable law enforcement officer in believing that a crime has been or is being committed and the person to be arrested committed it or is committing it.

C. Reasonable Suspicion

Specific and articulable facts that give rise to a reasonable suspicion by the officer that the subject may be involved in criminal activity.

IV. Procedure

A. Jurisdiction

1. As a general rule, a municipal police officer has no authority to arrest outside the boundaries of the town for which he/she was appointed. (SC Code of Laws 17-13-10, et seq)
2. There is an exception for the "hot pursuit" of subjects within the county limits in which the pursuit was initiated. (SC Code of Laws 17-13-40)
3. Officers outside their jurisdiction generally possess citizen's arrest authority only. This includes limited authority for arrests for felonies and larcenies committed in their presence. (SC Code of Laws 17-13-10 and 17-13-20)

B. Arrest With a Warrant

1. Felony

The preferred way to make any arrest is with a warrant. Absent exigent (emergency) circumstances, a warrant is required for a non-consensual entry at a suspect's residence to make a routine felony arrest.

2. Misdemeanor

A warrant is required to make an arrest in all misdemeanor cases except where the crime was committed in the officer's presence, or if there is reason to believe it was freshly committed and the officer has probable cause or in criminal domestic violence cases when probable cause exists. (SC Code of Laws 17-13-20)

3. Any sworn officer, except the affiant, may execute an arrest warrant on any subject in the Town of North when such warrant appears to be "valid on its face."

C. Arrest Without a Warrant

1. Felony

A warrantless arrest may be made in a public place even though there was sufficient time to obtain a warrant after probable cause was developed. Other exceptions to the warrant requirement are hot pursuit and exigent circumstances. Hot pursuit and exigent circumstances are limited to serious crimes and a warrantless entry to arrest in a minor offense is not permitted.

2. Misdemeanor

The general rule in South Carolina is that police officers may not arrest without a warrant a person who commits a misdemeanor outside their presence. However, where the officer arrives at the scene very shortly after the commission of the crime, and easily observable evidence strongly indicates the crime was "freshly committed," or in criminal domestic violence cases where probable cause exists, the officer may arrest without a warrant.

3. Whenever an officer makes an arrest, the officer must inform the person arrested of the true reason for the arrest. (SC Code of Laws 17-13-50)

4. Upon a warrantless arrest, the officer will issue a uniform citation for the offense, as provided in SC Code of Laws 56-7-10 or sign an arrest warrant.

D. Search Incident to Arrest

1. There are two threshold requirements to justify a search incident to arrest:

a. There must be a lawful, custodial arrest.

b. The search should be made at the time and place of the arrest.

2. Following a lawful, custodial arrest for any offense, an officer is entitled, in all cases, to search the person of the arrestee and the area within his/her immediate control at the time of the arrest.

3. The search may include any portable property in his/her actual possession, such as clothing, purses, briefcases, grocery bags, open desk drawer, an unlocked suitcase, etc.

4. The area of immediate control is any place from which the person arrested may seize a weapon or destruct evidence, and can generally be viewed as the space within arm's reach and slightly beyond.

5. However, absent an emergency, inaccessible, non-portable items of personal property, such as a double-locked footlocker, or a sealed carton or crate may not be searched. If there are reasonable grounds to believe they contain evidence, they may be seized and a search warrant should thereafter be obtained prior to opening the item.

E. Investigative Detention (Stops)

1. Where the facts known to the officer do not constitute probable cause to arrest, they may satisfy the lesser standard (and lesser intrusion) of reasonable suspicion to stop. Reasonable suspicion is developed by assessing the totality of factors which will determine whether it was reasonable to suspect that the person stopped was involved in criminal activity. These factors may be taken into account:
 - a. Personal knowledge and experience of the officer
 - b. Suspicious conduct/demeanor of subject/evasive, false or implausible responses from subject
 - c. Furtive moves
 - d. Attempts to flee
 - e. Time and place
 - (1) Nighttime
 - (2) High crime area
 - (3) Near scene of crime
2. An officer may detain a subject for a reasonable period of time. Up to 30 minutes can be considered reasonable under most circumstances. However, this is a flexible standard and can be extended if the initial stop is justified and the delay is reasonably related to the police investigation.
3. In order to effect a stop and enforce a brief period of detention, an officer may employ that degree of reasonable force found necessary under the circumstances, except that deadly force is prohibited. This does not preclude the officer from protecting himself/herself if assaulted.
4. The site of the stop must not be changed without justification. Moving a detained person should be avoided. If the subject is moved, it will only be done for a short distance and for good reason. However, transporting a subject to the Police Department will probably turn the stop into a full-custody arrest. Moving a suspect a short distance is permissible:
 - a. To afford better lighting.
 - b. To permit officer to use car radio.
 - c. To prevent a traffic hazard.

- d. To avoid a hostile crowd.
 - e. To order a suspect out of a vehicle.
5. There is nothing to prevent an officer from approaching and talking to an individual on the street. These street encounters do not obligate an individual to comply with the officer's request to remain stationary or to provide information.
 6. Any stop of a moving vehicle is a Fourth Amendment seizure and reasonable suspicion or probable cause is required.
 7. However, a highway sobriety or license checkpoint that calls for stopping and detaining all motorists passing through the checkpoint is reasonable and need not be supported by individualized suspicion.
 8. As a general rule, a stop and detention is not considered such a significant deprivation of freedom as to constitute custody, as the term is commonly understood. Persons temporarily detained for brief questioning need not be warned of their rights until such time as the point of arrest has been reached.

F. Frisk

1. A protective pat down search is permitted for weapons only (Terry v. Ohio) after:
 - a. A lawful stop, and
 - b. A reasonable suspicion that the suspect is armed.
2. In justifying the frisk, the officer must be prepared to support his/her decision to conduct or intensify the frisk with facts indicating that a weapon was concealed on the person detained. The officer may consider such factors as:
 - a. The type of crime involved.
 - b. The reputation of the person detained.
 - c. The time and place of the stop.
 - d. A sudden movement by the suspect.
 - e. A bulge in the suspect's pocket.
3. Once the above requirements are satisfied, the officer may pat down the suspect's outer clothing for weapons only.

4. If the facts justify it, the frisk could be extended to include:
 - a. Hand carried items - unlocked and unsealed items where the size and design permits easy access to a possible weapon.
 - b. Companions.
 - c. Vehicles.
5. If while conducting a lawful frisk for weapons an officer inadvertently discovers other evidence, he/she may lawfully seize such evidence, as long as the officer can show that he/she was justified in believing that a weapon was concealed on the detainee.

G. Arrestee Rights

1. The Miranda Rule requires that once a suspect is in custody, police must warn the suspect of his/her rights prior to interrogation.
2. The Miranda Rule applies whenever there is a custodial interrogation. Custody is defined as taken into custody (arrested) or otherwise deprived of his freedom of action in any significant way. Interrogation is defined as questioning initiated by police officers.
3. The Miranda Rule requires that prior to any custodial interrogation the person must be advised:
 - a. That he/she has a right to remain silent;
 - b. That any statement he/she does make may be used as evidence against him;
 - c. That he/she has a right to the presence of an attorney; and,
 - d. That if he/she cannot afford an attorney, one will be appointed for him/her prior to any questioning if he/she so desires, at no cost to him/her.
4. Officers will read the Miranda Warnings to suspects from a printed Miranda Warning card. Officers may request that the suspect acknowledge the advisement of rights and the waiver in writing.
5. Never assume another officer has offered Miranda rights to a subject. Warnings should be provided prior to questioning or interrogation.
6. Never assume a subject already knows his/her rights. If the subject does not understand English, an interpreter will be required.

7. If an accused invokes his/her right to remain silent, officers will not attempt a second interview until a significant period of time has elapsed (a two hour period of time has been held to be significant), or the accused requests to be interviewed anew. In either case, officers should ensure that the accused is provided a "fresh set" of Miranda Warnings before further questioning begins.
8. If an accused invokes his/her right to counsel during the first effort to interview him/her, officers will not attempt a second interview unless the accused initiates a second interview. The right to counsel is not a one-time right to consult with legal counsel, but is a continuing right to have counsel present at the interview. Thereafter, the accused is presumed to have invoked his/her right to counsel for all subsequent attempts to interview him/her as long as he/she remains in custody.

(Ref: CALEA 1.2.4)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
6.8.1

Subject
Warrant Execution

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapters 74, 82 and SC Code of Laws, Titles 17, 23 and North Police Department's Policy and Procedure Manual, Chapter 8, 9

Distribution
All Personnel

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I. Purpose

To ensure efficiency of information, accuracy, timeliness, and accessibility in the execution of warrants.

II. Policy

It is the responsibility of all officers of the North Police Department to execute warrants in a timely and lawful manner.

III. Procedure

A. Access to Warrants

The North Police Department's warrants will be maintained in the warrant file located in the Patrol Office. Warrants are accessible to departmental personnel on a 24-hour, seven days per week basis. (Ref: CALEA 82.3.8, Item F)

B. Recorded Information

1. Once a warrant is issued to the North Police Department, it will be immediately submitted to a supervisor or to an investigator who will complete a Warrant Investigation Sheet and either pass the warrant to an officer to attempt execution or place it in the warrant file. Warrants may be entered in the State Warrant File through the SLED CJIS system if it is not executed immediately or if the subject does not live in North. Wanted person entries in the NCIC system will be made only after obtaining written approval for extradition by the appropriate Solicitor's Office. (Ref: CALEA 82.3.8, Item A)

2. The Warrant Investigation Sheet will contain, at the minimum, the following:
 - a. Date and time received
 - b. Type of legal process (criminal)
 - c. Nature of document (arrest or bench)
 - d. Source of document
 - e. Name of defendant
 - f. Officer(s) assigned for execution
 - g. Date of assignment
 - h. Court docket number, if any
 - i. Date service due, if any

(Ref: CALEA 74.1.1)
3. Warrant Investigation Sheets will be filed alphabetically in the "warrant sign-out log book."
4. The Patrol Sergeants are responsible for ensuring that all warrants are assigned to an officer for attempted execution.
5. Anytime a warrant is removed from the file, a signature must be made in the "warrant sign-out log book" by the officer removing the warrant.
6. All warrants for subjects living in the Town of North will be signed out for attempted execution.
7. Warrants are to be returned to the warrant file after appropriate attempts to execute the warrants are unsuccessful and are to be filed in the warrant file until: (1) the warrant is cancelled by the court; (2) executed by an officer; or (3) reassigned for additional attempts at execution.

(Ref: CALEA 82.3.8, Item C)

C. Records on Execution and Attempted Execution of Warrants

1. Records will be kept on the execution and attempted execution of warrants. This record is on the reverse side of Warrant Investigation Sheet. The records will note the following information:
 - a. Date and time executed/attempted
 - b. Name of officer executing warrant/attempting execution
 - c. To whom executed

d. Method of execution/reason not executed

e. Location where executed/attempted

(Ref: CALEA 74.1.2)

2. All information will be recorded on the Warrant Investigation Sheet.

a. If the warrant is executed, the arresting officer will complete the Warrant Investigation Sheet and submit the sheet to the Records Section attached to the Incident Report verifying service of the warrant.

b. If the warrant is cancelled by the court, the employee who is notified of the cancellation will be responsible for removing the warrant from the file, completing the Warrant Investigation Sheet and forwarding the sheet to the Records Section. The warrant will be returned to the issuing court. The officer must also have any State Warrant File or NCIC entry cancelled.

(Ref: CALEA 82.3.8, Item E)

3. The Records Section will file completed Warrant Investigation Sheets.

4. After any warrant is executed, the arresting officer will be responsible for ensuring that the warrant is removed from the State Warrant File and NCIC if such entries were made.

D. Warrant Execution in Jurisdictions Other Than North

1. Generally warrants for subjects residing outside the Town of North but in South Carolina will be forwarded to the appropriate law enforcement agency with a request for their assistance in its execution. This may be done by mail or in person.

2. Officers desiring to execute warrants in other South Carolina jurisdictions must get their supervisor's approval, contact that jurisdiction's police department and advise them of the pending action. The officer must get the warrant counter-signed and have an officer(s) from the local jurisdiction prepared to execute it. The North Police officer may accompany the other officer(s).

3. In those cases where a subject in North is found to have an outstanding warrant from another South Carolina jurisdiction, the information must be verified before an arrest is made. In these cases, the dispatcher or the officer will telephone the local jurisdiction to determine if the warrant is still active. If confirmed, the dispatcher or the officer will request a confirmation be sent over the teletype system. If the warrant is from a jurisdiction outside South Carolina the confirmation may be made by teletype only. A copy of the warrant may also be faxed to the Department. A "hold" for the other agency will be placed on the subject and a copy of the "hold" and/or teletype should be given to the detention center.

4. Execution of warrants for fugitives from this state or upon fugitives from another state must be made in compliance with SC Code of Laws 17-9-10. The officer must sign a fugitive warrant on the subject.

(Ref: CALEA 82.3.8, Item B and D)

E. Execution of Arrest Warrants

1. Warrant Investigation Sheet

- a. Any officer wishing to execute an outstanding warrant may do so. The warrant may be removed only after it has been signed out in the "warrant sign-out log."
- b. When not signed out, the actual warrant will be retained in the warrant file until executed or cancelled by the court.
- c. A copy of the warrant will be given to the defendant as soon as practicable after execution.
- d. As officers attempt to execute a warrant, notations of the officers' actions or attempts to serve the warrant must be noted on the Warrant Investigation Sheet.
- e. Officers will verify that a warrant is still active prior to executing an arrest on the warrant.

(Ref: CALEA 82.3.8, Item D)

2. Execution of Warrants

- a. The sergeants will be responsible for ensuring that all warrants are assigned to an officer for execution.
- b. Warrants may be executed at any place within the Town of North.
- c. Two officers should be present whenever possible, when attempting to execute a warrant.
- d. If attempting to execute a warrant outside the Town of North, the warrant must first be countersigned for service and the local law enforcement agency will be notified to execute the warrant.
- e. Officers may not execute warrants that they have signed as affiants. They may assist other officers in executing the warrant.
- f. Officers may use only the necessary force to effect the arrest while executing a warrant.

3. Forcible Entries to Serve Warrants

- a. If there is a warrant for a subject and the officer knows the subject is in his/her home at the address shown on the warrant, forcible entry may be used after notice of the intention to make an arrest is given and admittance is denied. Officers are exempt from requesting permission to enter or from giving notice if exigent circumstances exist that would appear to endanger the officers or others if an announcement is made.
- b. If there is a warrant for a subject and the officer knows the subject is in another person's home, forcible entry is not permitted. Unless exigent circumstances exist or the owner or someone allowed to grant permission is present and permits entry, a search warrant would be required to gain entry.
- c. In those situations where forcible entry is being considered as a final option, a supervisor will be notified.

4. Immunity From Arrest

SC Code of Laws 17-13-60 restricts the physical arrest of persons engaged in, attending, going to or returning from military, militia or court duty except for treason, felony or breach of the peace. However, process may be served without actual arrest.

5. Service of Search Warrants - See "Execution of Search Warrants" in Chapter 8 of this manual.

(Ref: CALEA 74.3.1)

F. Defining Who Executes Warrants

Only sworn police officers will execute warrants. (Ref: CALEA 74.3.2)

G. Civil Process

All civil processes will be served by deputies from the appropriate County Sheriff's Office as directed by SC Code of Laws 23-15-40. If North officers are so requested, an officer may accompany Sheriff's Deputies to serve a civil process or to provide back-up to a deputy making a civil arrest.

(Ref: CALEA 74.2.1)

Only sworn officers are authorized to execute a writ requiring the seizure of real or personal property or to make a civil arrest in North. (Ref: CALEA 74.2.2)

H. Property

1. All property obtained through the legal process; i.e., search warrants, warrantless searches, vehicle inventories or seized for safekeeping, will be submitted to the Property Room as outlined in the "Property Room Management" procedure in Chapter 9 of this manual. The Property Room Custodian is responsible for maintaining an accurate record keeping system (outlined in the Property Room Management Procedure) for all property accepted by or stored in the Property Room.
2. All property obtained through the legal process function is disposed of by the Police Department pursuant to SC Code of Laws as outlined in Chapter 9.
3. The methods used in the disposition of property acquired through the legal process functions are outlined in Chapter 9, concerning Final Disposition of Property.

(Ref: CALEA 74.4.1)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
6.9.1

Subject
Prisoner Transportation

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 71

Distribution
All Personnel

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I. Purpose

To provide procedures for officer safety and prisoner security during transportation.

To establish procedures for the transfer and transportation of prisoners to detention facilities.

II. Policy

It is the policy of the North Police Department to take every reasonable measure to ensure the safety and security of prisoners in its custody, its officers and the general public.

III. Procedure

- A. All arrested persons present a potential risk to the safety of the arresting/transporting officer, whether or not they are known or not known by the arresting officer, and whether or not they seem to present an obvious or little immediate threat to the officer. Therefore, it is the policy of this Department that every prisoner transported in a police vehicle shall be searched and handcuffed by the transporting officer prior to being transported, unless handcuffing is specifically exempted under provisions of this procedure. It is preferable, when reasonably possible, for an officer of the same sex as the prisoner to conduct the search. When this is not possible the officer should attempt to have a witness present during the search.

If a strip search or body cavity search is required, it will only be conducted in a private area of the detention center or medical facility. This type of search will only be conducted by qualified detention center staff of the same sex as the prisoner or by qualified medical personnel. Only a police officer of the same sex as the prisoner may be present.

(Ref: CALEA 71.1.1)

B. Every patrol vehicle shall be searched by the assigned officer:

1. At the beginning of that officer's shift, prior to transporting prisoners, and;
2. After transporting prisoners.
3. At the beginning of each shift, the assigned officer shall examine the police vehicle to ensure that it is in good operating condition, properly fueled and equipped with the proper safety items such as lightsticks, first aid kit, fire extinguisher, traffic vest, blankets, spare tire and jack.
(Ref: CALEA 71.1.2)
4. If the transport is of extended duration such as an extradition, the officer will obtain necessary expense funds through the Chief or the Chief's designee.

C. Prisoners transported by police officers shall be secured in handcuffs with their hands behind their back and the handcuffs shall be double locked. Every prisoner shall be placed in the police vehicle and secured with the seatbelt. This provides for safety for the prisoner in the event of an auto accident as well as additional security for the officer. Although no one is exempted from the seatbelt restraints, a supervisor may grant permission to exempt handcuffing individuals in special transport situations. In each of these situations, the transporting officer must request and receive permission from the supervisor in advance. These exemptions will be limited to the following:

1. Physically incapacitated persons when the risk of escape appears to be minimal.
2. Elderly or ill persons when the risk of violence or escape appears minimal.
3. Juveniles when the risk of violence or escape appears to be minimal.

The severity of the charges, whether charges are crimes of violence, prior record of violent act(s) or escape attempt(s), threats made by the suspect, violent or uncooperative acts, etc. represents information that must be considered prior to making any exception to the use of restraints.

(Ref: CALEA 71.2.1)

D. Additional transporting/ restraint considerations:

1. When deemed appropriate by a supervisor, prisoners may be restrained with a waist belt and/or leg shackles.
2. Combative subjects who are attempting to kick out windows may be restrained by the use of the Department issued leg restraints.

3. The use of a hobble, "hog tying" or other such restraints is prohibited.
4. All property of the prisoner and identifying booking information shall be transported with the prisoner.
5. No person shall be handcuffed to any stationary object or to any part of the transporting vehicle or be left unattended.
6. Prisoners will be handcuffed in the front only when a waist belt is used to secure the handcuffs. These items will be used when transporting prisoners for an extended period.
7. The use of thumb cuffing is prohibited.
8. Officers will check the tightness of handcuffs after they are applied. Officers should be able to slip the tip of their index finger under the handcuffs on the top, bottom and sides.
9. Officers will double-lock the handcuffs.
10. Officers will promptly investigate complaints from prisoners indicating that handcuffs are too tight. The tip of the index finger test will be used. If the handcuffs are found to be at the appropriate tightness, the officer need not loosen them. If the handcuffs are too tight, the officer will carefully take action to loosen them. The officer will document in the Incident Report that, upon complaint, the handcuffs were checked and will document any action taken to adjust handcuffs.
11. The officer is responsible for the care and maintenance of handcuffs. Defective handcuffs must not be used.
12. Disposable restraints such as flex cuffs are authorized when handcuffs are not readily available, handcuffs will not fit on an individual, and in mass arrest situations. Care must be exercised in applying and removing these restraints. Officers are provided cutters to remove this type cuff and must keep the cutters readily available.
13. Only prisoners of the same sex will be transported together except those who are relatives and acquaintances who are not combative toward each other.
14. No juvenile will be transported with an adult prisoner to a juvenile detention facility. Otherwise they may be transported together.

(Ref: CALEA 71.2.1)

E. If a prisoner becomes disorderly during transport:

1. The transporting officer should continue to the detention center if the prisoner does not pose a threat to safe operation of the vehicle. Communications should be notified that there is a disorderly subject in the vehicle, and assistance will be required when the prisoner is removed from the vehicle. The prisoner must be kept in the vehicle until help arrives.

2. If the prisoner poses a threat to safe operation of the vehicle, the officer should pull to the side of the road, notify Communications of his/her location and the problem, exit the vehicle and wait for help to arrive. The prisoner should be kept in the rear passenger compartment of the police vehicle, and the officer should not open the rear doors until another officer arrives on the scene.
 3. A single officer should not open the passenger compartment to secure a disorderly prisoner until assistance has arrived.
- F. A prisoner shall not be allowed to communicate with anyone other than the officers and the prisoners being transported with him or her.
(Ref: CALEA 71.1.5)
- G. Whenever a prisoner being transported to court is considered a security hazard, the judge will be notified. The judge may direct the use of restraining devices in court or request additional officers to be present.
(Ref: CALEA 71.1.8)
- H. Prior to being transported from a detention facility, the transporting officer shall ensure that a positive identification of the prisoner has been made. If the prisoner is being transferred to another detention facility, a commitment order must be completed by the judge and must accompany the prisoner along with any personal property. The officer will ensure that the prisoner returns any property belonging to the detention center.
1. Identification verification may be accomplished by comparing the prisoner's physical appearance with jail records, comparing fingerprints, comparing signatures, interviewing the prisoner, or any other method that will assure the officer of the correct identity of the prisoner.
(Ref: CALEA 71.5.1, Item A)
 2. As applicable, the commitment papers, medical records and all personal property shall be transported with the prisoner. For interstate transports, a properly executed extradition warrant or waiver shall be obtained in advance and transported with the prisoner.
(Ref: CALEA 71.5.1, Item B)
 3. Information regarding the prisoner's escape or suicide potential and other security concerns must be recorded and included in the documentation accompanying the prisoner.
(Ref: CALEA 71.5.1, Item C)
 4. The SC Law Enforcement Division is available to assist with the extradition of prisoners from out of state.
- I. The primary duty of the transporting officer is the safe delivery of the prisoner in his/her care. Diversionary incidents, whether or not instigated by the prisoner or others, may enhance the chances for an escape or potential danger to the safety of the prisoner being transported. Therefore, an officer transporting a

prisoner shall stop to render assistance only when there is a clear, immediate, and grave risk of physical harm to a third party, and no other police unit is readily available to render the assistance. Under such circumstances, the dispatcher will be notified of the identity of the unit, the fact that the officer is in process of transporting a prisoner, and the location and nature of the incident. The officer shall only remain until other emergency assistance has arrived. Officers who are transporting prisoners shall not become involved in a pursuit, traffic stop, or other situation that may potentially cause harm to the prisoner.

- J. Transporting officers will be able to visually observe prisoners in their custody at all times. If a prisoner is not viewed while using toilet facilities, they will be searched immediately after leaving the restroom. On trips of extended duration, a female officer will accompany female prisoners. (Ref: CALEA 71.1.4)
- K. Vehicles used primarily for transporting prisoners will have a protective screen or cage that separates the driver from the prisoner, and will be modified to minimize opportunities for the prisoner to exit from the rear compartment without the aid of the transporting officer. This will be accomplished by making the windows and doors inoperable from the rear seat. The protective screen or cage must be in the closed position when transporting a prisoner.
(Ref: CALEA 71.4.1 & 71.4.2)

IV. Transportation of Multiple Prisoners

- A. A single officer transporting a single prisoner in a screened or caged vehicle will transport the prisoner in the rear seat, passenger side, handcuffed with the seat belt fastened. Single officer units should avoid transporting more than two prisoners. A single officer shall not transport a prisoner in an unscreened or uncaged vehicle except under emergency circumstances.
- B. Two officers transporting a single prisoner, or two or three prisoners in a screened or caged vehicle will transport with both officers in the front seat, and the prisoner(s) secured in the rear seat, handcuffed, with the seat belt fastened.
- C. One officer transporting a single prisoner in an unscreened or uncaged vehicle shall place the prisoner in the front passenger seat, handcuffed and with the seatbelt fastened. Two officers transporting a single prisoner in an unscreened or uncaged vehicle shall place the prisoner in the rear passenger seat, handcuffed and with the seatbelt fastened. The second officer will ride in the rear seat directly behind the driver with gun on the opposite side from the prisoner.
- D. In any transport situation with a number of persons to be transported or offering special problems, a prisoner van designed specifically for transportation of prisoners shall be requested from the Orangeburg County Sheriff's Office or another mutual aid agency. When a County van is used, a North officer shall respond with the transportation unit.

(Ref: CALEA 71.1.3)

V. Special Transport Situations

- A. When a meal is required during the transport of a prisoner (i.e., when transportation is from a long distance away and takes several hours) the meal location will be selected randomly so that predicted patterns of behavior by transporting officers may be avoided.
- B. When a prisoner is transported to a local hospital for any reason, the following shall apply:
 - 1. Extreme caution will be taken to ensure the prisoner is isolated from other patients and is not left unattended, or permitted to escape the immediate control of the transporting officer. Hospital security will be notified upon the officer's arrival at the hospital. The officer must closely monitor the prisoner.
 - 2. The transporting officer will not leave the medical facility until relieved by another officer or instructed to do otherwise by a supervisor. If the prisoner is admitted to the hospital, the transporting officer must notify the on-duty supervisor of the circumstances. The supervisor shall make a decision on whether the prisoner must be guarded.
 - 3. The transporting officer will remove the restraints only when it is deemed necessary and he/she is requested to do so by the medical staff.
(Ref: CALEA 71.3.3)
- C. When transporting a juvenile prisoner or a prisoner of the opposite sex, the officer will notify the dispatcher via radio, advising the current mileage and destination. Upon arrival, the officer will again announce the location and ending mileage. On extended and/or overnight transportation trips of prisoners, an officer of the same sex as the prisoner must accompany the prisoner.
(Ref: CALEA 71.3.1)
- D. Physically and mentally handicapped prisoners present conditions for their transportation that dictate special care and attention. For example, the type of vehicle used would be a consideration when transporting non-ambulatory prisoners or those requiring wheelchairs, crutches, or prosthetic appliances. The safety of the prisoner and the transporting officer requires care when transporting handicapped prisoners. The degree of physical restraint to handicapped prisoners will be applied within reason, at the discretion of the transporting officer, dependent upon such factors as the seriousness of the handicap, mobility of the prisoner, and circumstances of the arrest. Prisoners in wheelchairs may be transported in the Sheriff's Department prisoner van.
(Ref: CALEA 71.3.2)
- E. Any prisoner who is sick or injured shall be examined by EMS personnel and offered treatment for his/her injury or illness prior to being transported to any detention facility.

1. If the prisoner refused treatment, the jailer will be notified upon admission to the detention facility.
2. If the prisoner was injured incident to arrest, a supervisor shall respond to the hospital, photograph the injury, and statements from the prisoner. A use of force investigation shall be conducted as specified in the Use of Force procedure.
3. If necessary, the EMS may be called to provide an ambulance for transportation to a medical facility. The ambulance will be accompanied by a North Police Officer, and the prisoner will remain under guard of the officer. The officer may follow the ambulance in the police vehicle, or in extremely violent or high escape risk cases the officer may actually accompany the prisoner in the ambulance.
4. While being transported, a sick or injured prisoner shall be restrained or handcuffed unless the handcuffs would further compound the injuries. A second officer will be called to assist in transporting an unrestrained prisoner.
5. Unconscious prisoners shall not be transported in a police vehicle, but shall be taken to a hospital or medical facility by ambulance.

(Ref: CALEA 71.3.2)

- F. Special situations surrounding circumstances such as funerals and visits to hospitals provide extraordinary opportunities to a prisoner for unauthorized contact, escape, or infliction of injury on himself/herself or others. Special details of this nature will only be performed by an order of the court. The prisoner will remain handcuffed at all times unless the court order directs otherwise. If the handcuffs are to be removed, it will be done with all necessary precautions taken by the officers and only for the prescribed period of time as stated in the court order. These details will always be performed by two or more officers. Upon approval of a supervisor, leg restraints may be used, if appropriate.

(Ref: CALEA 71.3.4)

- G. Mentally disturbed prisoners may pose a significant threat to themselves and/or the transporting officers. Mentally disturbed prisoners are to be restrained securely without causing injury.

1. If the prisoner is violent, two or more officers should be used.
2. When it appears that a prisoner's violent or bizarre behavior may constitute risk of harm to himself/herself or others, the prisoner may be transported on a stretcher in an EMS ambulance, with handcuffs and/or body restraints applied. This method of transportation should only be used after other methods have been eliminated as unfeasible.

(Ref: CALEA 71.3.2)

VI. Booking Prisoners Into County Detention Center

- A. The transporting officer(s) shall radio the dispatcher and advise that they are transporting prisoner(s).
- B. Upon arrival at the Detention Center, the dispatcher will be advised of this information.
- C. The OCRDC Booking Report will be completed before taking the prisoner into the detention center. The original of the Booking Report will be given to the booking officer.
- D. All prisoners are to be brought to the intake area.
- E. Officers are not required to secure their weapons if only entering the intake area. However, all weapons must be secured in the lock box or in the trunk of the police vehicle before entering the detention center.
(Ref: CALEA 71.1.6, Item A)
- F. Officers shall provide the receiving detention officer with the prisoner's identification, copies of citations, original Booking Report and any other necessary documents.
(Ref: CALEA 71.1.6, Item C)
- G. The officer will advise the detention officer if the prisoner is known to be ill or injured and if so what medical treatment has been provided. If Oleoresin Capsicum has been used on the prisoner, the detention officer will be advised. The detention officer will also be advised if the prisoner is believed to be suicidal.
- H. The officer does not remove handcuffs or restraints from the prisoner prior to the prisoner entering the facility.
(Ref: CALEA 71.1.6, Item B)
- I. If applicable, the officer will remove weapons from the lock box or trunk prior to leaving the facility.
- J. The receiving detention officer takes custody of the prisoner and completes the necessary forms and booking process. The receiving detention officer will sign the completed Booking Report. The Booking Report information is later forwarded to the Police Department.
(Ref: CALEA 71.1.6, Item D)

VII. Escapes

Following the escape of a prisoner during transport, the transporting officer must take actions that include the following:

- A. Persons to be notified:
 - 1. Police Dispatcher (immediately by radio) with a description of the escapee and direction of travel.

2. All surrounding police jurisdictions (immediately).
3. On-duty North Police supervisor.
4. The supervisor may request the SLED or other bloodhound team.
5. Police jurisdictions of the escapee's residence and known associates as well as possible destinations.
6. The Chief of Police.

(Ref: CALEA 71.1.7, Item A)

B. Reports to be prepared:

1. Incident Report (escape from custody) and synopsis.
2. Detailed report to the Chief specifying the circumstances of the escape.
3. Loss of equipment report to the supervisor.
4. Any other reports deemed necessary by the supervisor.

(Ref: CALEA 71.1.7, Item B)

C. Other actions to be taken:

1. A teletype message to all jurisdictions in Orangeburg County, with additional messages directed to any agencies with a likelihood of coming into contact with the escapee.
2. Sign additional warrants as required.

(Ref: CALEA 71.1.7, Item C)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
6.10.1

Subject
Passengers in Police Vehicles

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 41

Distribution
All Personnel

Re-Evaluation
Annual

Pages
6

I. Purpose

To define policy and procedure whereby authorized persons are permitted to ride in police vehicles as passengers.

II. Policy

Due to considerations of liability and potential hazard to civilians, it is the policy of the North Police Department that permission for any civilians to ride as observers in police vehicles will be strictly limited as outlined in this procedure.

III. Procedure

A. Authorization: Persons permitted to ride in police vehicles shall be categorized as follows:

1. On-duty and off-duty North Police Officers may ride in or operate police vehicles, and do not require special authorization. (However, off-duty North Police Officers are not permitted to simply "ride-along.") On-duty police officers from other jurisdictions may ride, in the course of their duties, without completing a Ride-Along Request Form.
2. North Police Department civilian employees, volunteers, Police Chaplains and other civilian employees, in the course of their duties, may ride as passengers during their on-duty hours in police vehicles and are not required to obtain special authorization.
3. Off-duty sworn officers or agents of other law enforcement agencies may ride in police vehicles as passengers upon completing the Ride-Along Request Form and obtaining authorization from the supervisor of that shift. (These officers are not subject to the 90-day limitation on ride-alongs.)

4. Citizens may participate in the Department's Police Ride-along Program that is designed to introduce citizens to law enforcement in this community. The ride-along form must be completed and approved by the Chief of Police. For persons under age 18, a parent or guardian must also sign the form. No one under age 15 will be allowed to ride unless specifically approved by the Chief of Police. All ride-alongs are expected to abide by all rules as outlined on the Ride-Along Request Form. Any supervisor may deny a ride-along request or terminate a ride-along at any time that it is deemed in the best interests of the Department. Ride-alongs cannot participate in the program more than once in any 90-day period without the prior approval of the Chief of Police.
 5. Civilians required to be conveyed in police vehicles in the performance of police duties may ride as passengers in police vehicles without special authorization from the Chief of Police for the period as long as the necessity exists. (Examples: motorist assist, transporting domestic abuse victim to a safe haven, etc.)
 6. Family members of officers may be simply transported in police vehicles while under the supervision of the officer after obtaining permission from the Chief of Police. This does not apply to the ride-along program.
- B. Transporting Members of the Opposite Sex: Anytime a member of the opposite sex of the conveying officer is a passenger in a police vehicle, except employees, ride-along participants or members of the officer's family, the dispatcher will be advised of the starting mileage, point of origination, and destination of the unit. The officer will advise the dispatcher of the ending mileage and status immediately upon discharging the passenger. This transport will be logged on the officer's Daily Activity Sheet.
- C. Prohibitions: All other civilians may not ride as passengers in police vehicles without first obtaining special authorization from the Chief of Police. Such permission will be granted only when justified by unusual circumstances.

(Ref: CALEA 41.5.3)

Mark P. Fallaw
Chief of Police

Date

TOWN OF NORTH- POLICE DEPARTMENT

Ride-Along Participation Rules of Conduct and Dress for Participants

1. Riders are expected to present a reasonably clean and neat appearance, both in person and in clothing. Most citizens expect as much from their police officers, and our police officers expect as much from the sharers in this program. Sandals without socks or bare feet are not acceptable. The Department reserves the right to judge the reasonableness of dress and appearance.
2. Riders are instructed not to interfere in any way with the actions of the officer while engaged in official duty. If you find that you do not agree with the officer's manner or solution in handling an issue, discuss the matter with the officer at a later time. Some procedures are prescribed but many are arbitrary and based on the officer's experience and assessment of the situation. Later discussion will most often enlighten the inexperienced.
3. The Department encourages discussion of the issues observed and of the opinions held by the participants. We anticipate a variety of views and philosophies among the various participants. However, do not let disagreement get out of hand. Remember, the officer has a job to do even though you share some in that regard. If he/she feels that your presence is too objectionable and/or interferes with him/her in the performance of his/her duties, he/she has the right to terminate the ride.
4. There may be occasions when you will necessarily be required to leave the patrol unit while the officer answers a potentially dangerous call, such as an armed robbery, etc. You should be prepared to be dropped off on the street and to be later picked up in such cases.
5. Riders are required to remain in the patrol unit while the officer is out on a call. On certain types of call, the officer may permit you to observe if he/she feels the circumstances warrant. No attempt should be made to assist the officer unless he/she asks for help. In such situations, your role will ordinarily be restricted to calling Dispatch for assistance. The officer will explain this procedure to you.
6. Remember, should you be a witness to certain events, there is a possibility that you may be subpoenaed to testify in court as a Town witness.
7. Other than the ordinary pocketknife, you are not permitted to carry anything on your person that could be construed as a weapon.
8. Riders who appear to have been drinking or who appear to be under the influence of drugs will not be permitted to participate in this program.

We welcome you to the Ride-Along Program of the North Police Department.

We sincerely hope that you enjoy and learn from the experience.

I HAVE READ THE ABOVE RULES AND AGREE TO ABIDE BY THEM:

Signature

Date

TOWN OF NORTH - POLICE DEPARTMENT

Ride-Along Request

Name: _____ Date of Birth: ____/____/____

Address: _____ Telephone: (Home) _____

(Work) _____

Date of Request: _____ Date Desired to Ride: _____

Reason for Request: _____

I understand that I am under the direct supervision of the officer with whom I am riding and in no way will I hinder the said officer from the performance of his/her duties. I agree to adhere to all Department policies, rules and regulations, and I understand that the maximum allowable riding time is four (4) hours, not to exceed once in ninety (90) days.

I hereby agree to release and hold the Town of North, its Chief of Police, police officers, agents, representatives and any and all other persons connected with the Town, free and harmless from any and all liability or claims for damages by reason of any injury or harm that might arise out of my participation in the ride-along program.

Date: _____
(Signature of Requesting Party)

Time: _____
(Approving Supervisor)

NOTICE

**Participant Must Also Read and Sign, Acknowledging the
“Rules of Conduct and Dress for Participants in the Ride-Along Program”**

Ride-Along Participant's Comments to the Chief of Police

TOWN OF NORTH- POLICE DEPARTMENT

Ride-Along Request/Persons Under 18 Years of Age

Name: _____ Date of Birth: ____/____/____

Parent/Guardian: _____ Date of Birth: ____/____/____

Address: _____ Telephone: (Home) _____

_____ (Work) _____

Date of Request: _____ Date Desired to Ride: _____

Reason for Request: _____

I understand that I am under the direct supervision of the officer with whom I am riding and in no way will I hinder the said officer from the performance of his/her duties. I agree to adhere to all Department policies, rules and regulations, and I understand that the maximum allowable riding time is four (4) hours, not to exceed once in ninety (90) days.

I hereby agree to release and hold the Town of North, its Chief of Police, police officers, agents, representatives and any and all other persons connected with the Town, free and harmless from any and all liability or claims for damages by reason of any injury or harm that might arise out of my participation in the ride-along program.

Date: _____
_____ (Signature of Requesting Party)

Time: _____
_____ (Approving Supervisor)

NOTICE

**Participant Must Also Read and Sign, Acknowledging the
“Rules of Conduct and Dress for Participants in the Ride-Along Program”**

Ride-Along Participant's Comments to the Chief of Police

(For Persons Under 18 Years of Age)

In exchange for allowing _____ to be transported in a vehicle owned by the Town of North during the Ride-Along Program, I hereby release and hold harmless the North Police Department, its agents, employees, officers, representatives and officials from any liability that may result or arise from such activity whether or not occasioned by willful or negligent action of the Town of North. I understand this release and it is signed with knowledge, not under compulsion or duress.

Witness's Signature

Parent/Guardian's Signature

Witness's Signature

Participant's Signature

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
6.11.1

Subject
Juvenile Operations

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 44 and SC Code of Laws, Titles 16, 20

Distribution
All Personnel

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Pages
13

I. Purpose

To establish procedures for juvenile operations, including citation, apprehension, processing and diversion to other social agencies.

To outline guidelines by which a determination may be made to release, incarcerate or cite juvenile offenders.

II. Policy

The North Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency.

(Ref: CALEA 44.1.1, Item A)

It shall be the policy of the North Police Department to use the least coercive among reasonable alternatives, consistent with preserving public safety, order and individual liberty, when dealing with juveniles.

(Ref: CALEA 44.2.1, Item B)

III. Procedure

A. Responsibility for maintaining a positive relationship with juveniles and supporting the Department's juvenile operations function will be shared by every officer and supervisor of the Department. (Ref: CALEA 44.1.1, Item B)

B. When dealing with juvenile offenders, officers shall use the least coercive among reasonable alternatives. Youthful offenders may be dealt with by law enforcement officers in a number of ways other than taking into custody and detention. Taking into custody, detention and court prosecution is among the alternatives that an officer may use. However, court action should be minimized and other community resources used to improve situations brought to the attention of police. In keeping with this philosophy, officers may use the following alternatives to taking into custody when dealing with juveniles:

1. Outright release with only an admonishment, warning or friendly advice;
2. Outlining the problem to the parents of the juvenile, and relying upon the parents to voluntarily correct the problem in the best interests of their child;
(Ref: CALEA 44.2.1, Item A)
3. Cite the juvenile using the Uniform Traffic Summons, as appropriate;
4. Referral to a social agency for a prolonged program of voluntary treatment or to Juvenile Arbitration as an alternative to court actions;
5. Petition the juvenile to the Family Court.
(Ref: CALEA 44.2.1)

C. When choosing among the alternatives available to deal with a juvenile offender, each of the following factors should be considered:
(Ref: CALEA 44.2.2)

1. The nature of the alleged offense;
2. The age of the offender and circumstances of the alleged offense;
3. The alleged offender's record, if any;
4. The availability and applicability of community-based rehabilitation programs by various social agencies.
5. Recommendation and/or endorsement by the complainant or victim for diversion, if any.
(Ref: CALEA 44.2.1)

D. Summonses for Juveniles

A Juvenile Summons and Release Form may be used by officers as an alternative to taking a juvenile into custody. Criteria for its use include:

1. Willingness of the parent or legal guardian to accept custody of the juvenile;
2. The offense is a misdemeanor;
3. The offense is a non-violent felony;
4. The juvenile is not a danger to him/herself or to the community;

5. Consideration of the offender's lack of prior involvement in criminal acts;
6. The offense was non-violent in nature;
7. The offender was not under the influence of alcohol or drugs.
(Ref: CALEA 44.2.1, Item B)

E. Release Procedures for Juveniles

Procedures for the release or adjustment of juvenile cases by the North Police Department include:

1. Notify parent or guardian.
2. Juveniles can be released to their parent, guardian, responsible adult or the Department of Juvenile Justice. The release form must be signed by the person prior to the release of the juvenile.
3. Officers must complete the Juvenile Summons and Release Form (attachment A).

Note: In any case, if the juvenile is to be released to a responsible adult, other than the parent, it will be done only by permission of the parent or when the parent is not available. A police supervisor must approve the release to a responsible adult other than the parent. The officer must obtain the name of the parent(s) and record the information on the custody release form, as well as the name of the responsible adult to whom the juvenile was released.
(Ref: CALEA 44.2.3)

4. Status offenses:

If a child is taken into custody for a status offense, (runaway, truancy, incorrigibility, or other non-criminal behavior) the following procedure will be followed:

- a. Release child to parent or guardian (see remarks), or
- b. Bring the child to the Police Department and contact parents, guardian and/or Department of Juvenile Justice so the child can be released to their custody.
- c. Complete the Juvenile Summons and Release Form.

Note: It is recommended that if the home situation is such that the child is likely to run away again if released to the parent or guardian, the officer will then release the child into the custody of Department of Juvenile Justice for possible placement in a group or foster home approved by the Family Court or in a

juvenile detention facility. Status offenders will not be placed in a juvenile detention facility unless a court order exists, in which the child has notice, and which notifies the child that further violation of the court order may result in the child's detention. (Ref: CALEA 44.2.2, Item A)

5. Child abuse/neglect cases.

If a suspected child abuse/neglect report is investigated by the Police Department, the following procedures will be followed:

- a. Notify the Department of Social Services (DSS), Child Protective Services Division, to respond. All child abuse cases must be reported to DSS within 24 hours.
- b. Officers must file an Incident Report.
- c. All reported child abuse cases will be jointly investigated by the North Police Department and DSS.
- d. All reported child neglect cases will be investigated by the Child Protective Services of DSS. Officers will respond to neglect cases if requested by DSS to accompany them. Officers will file an Incident Report.

Note: A law enforcement officer may take a child into emergency protective custody without the consent of parent(s), guardian or others exercising temporary or permanent control over the child and shall turn the child over to DSS as per SC Code of Laws 20-7-610 and 20-10-80. A police supervisor must approve all emergency protective custody situations.

(Ref: CALEA 44.2.6, Item B)

6. Juvenile pickup order (Remand Commitment):

Juveniles may be taken into custody on the basis of a juvenile pick-up order issued by a Family Court Judge and the Department of Juvenile Justice will be notified to respond.

F. Referral of Juveniles to Court

Officers must exercise discretion when determining dispositions in juvenile matters. However, the discretion used in juvenile incidents should be predicated on uniform standards. The following guidelines are not intended to limit discretion, but simply to make the exercise of it in youth matters consistent, appropriate, and defensible. These guidelines are to be considered prior to determining a juvenile disposition. The following cases should be referred to Family Court or General Sessions Court as appropriate.

1. Violent crimes as defined in SC Code of Law 16-1-60.
2. A sixteen year-old who commits a class A, B, C, or D felony*.
3. Delinquent acts that if committed by adults, would be felonies.
4. Delinquent acts involving weapons.
5. All serious gang-related delinquent acts.
6. When it is determined that parental or guardian supervision is not effective.
7. When there are alcohol and/or drug violations.
8. All delinquent acts committed by juveniles already on probation or who have a recent record of violent conduct resulting in injury to others.
9. All repeated delinquent acts within the preceding 12 months.
(Ref: CALEA 44.2.1, Item C)

Note: All sixteen year-olds charged with a class A, B, C, or D felony must be charged as an adult and referred to General Sessions court.

G. Detention and Incarceration of Juveniles

1. SC Code of Laws 20-7-600, states that a juvenile is eligible for detention in a secure juvenile detention facility only if the juvenile:
 - a. Is charged with a violent crime as defined in SC Code Laws of 16-1-60; OR
 - b. Is charged with a crime which, if committed by an adult, would be a felony or misdemeanor other than a violent crime AND the juvenile:
 - (1) Is already detained or on probation or conditional release in connection with another delinquency proceeding; or
 - (2) Has a demonstrable recent record of willful failures to appear at court proceedings; or
 - (3) Has a demonstrable recent record of violent conduct resulting in physical injury to others; or

(4) Has a demonstrable recent record of adjudications for other felonies or misdemeanors; and:

(a) There is reason to believe the child is a flight risk or poses a threat of serious harm to others or

(b) The instance or offense involved the use of a firearm;

OR

c. Is a fugitive from another jurisdiction. Or

d. Requests protection in writing under circumstances that present an immediate threat of serious physical injury. Or

e. Had in his possession a deadly weapon. Or

f. Has a demonstrable record of willful failure to comply with placement orders, including but not limited to a house arrest order. Or

g. Has no suitable alternative placement and it is determined that detention is in the child's best interest or is necessary to protect the child or public or both.

Note: Detention is not mandatory for a juvenile meeting the criteria if that juvenile can be supervised adequately at home or in a less secure setting or program. Detention will be used when in the best interest of public safety. A supervisor must approve all orders for the detention of a juvenile. Juveniles who are 10 years or younger may not be incarcerated for any reason and those 11 or 12 years of age may only be incarcerated by Order of the Family Court.

2. When detaining juveniles, officers will:

a. Search, handcuff and transport the juvenile to the Police Department or detention facility.

b. Notify the supervisor.

c. Immediately notify the Department of Juvenile Justice.

d. Notify the parent or guardian.

e. Officers must record all information on the Incident Report, Booking Report and release form, if used. If the juvenile is not released, the Incident Report must include the facts of offense and the reason the juvenile was not released.

- f. These reports must be forwarded to Department of Juvenile Justice and the appropriate Solicitor's office the next business day after the detention. A detention hearing will be held before a Family Court Judge within 48 hours.
- g. In violent crime cases, the juvenile may only be released to the parents with the consent of the officer.
- h. Juveniles may not be placed in a secure facility for a status offense.
- i. If a juvenile is to be placed in detention, the juvenile will first be transported to the Orangeburg DJJ office for intake, if applicable and during business hours.
- j. Law enforcement is responsible for transporting juveniles to the secure detention facility. Unless the Sheriff's Office agrees otherwise, the arresting officer is responsible for transporting the juvenile. If no bed is available, the detention center is responsible for locating bed space and transporting the juvenile to that location.
- k. No juveniles may be transported to the juvenile detention facility in a police vehicle which also contains an adult under arrest.
- l. If fingerprints or photographs are needed, the officer will take the fingerprints and photos at the juvenile detention center. (See Section M of this procedure).
- m. The Department of Juvenile Justice will not transport the juvenile to court if the juvenile is lodged at the Department of Juvenile Justice.
- n. Juveniles may not be detained in secure confinement in an adult jail for more than six hours unless they have already been waived to General Sessions. During this six hour detention, they must still be kept separate by sight and sound from adult inmates.
- o. The Chief of Police is to be notified if a juvenile is placed into detention.

(Ref: CALEA 44.2.2)

H. Processing of Juveniles in Custody

All members of the North Police Department are required to adhere to the following guidelines when taking a juvenile into custody.

1. Notify the juvenile immediately of his/her constitutional rights under the Miranda decision and ensure that he/she understands those rights before interviewing the juvenile. (Ref: CALEA 44.2.7, Item C)
2. Officers shall take the juvenile into custody and transport him/her to the police/sheriff's department without delay unless the juvenile requires medical attention. (Ref: CALEA 44.2.7, Item D)
3. Officers shall notify the parent or guardian of the juvenile taken into custody as soon as possible. (Ref: CALEA 44.2.7, Item E)
4. The investigating officer shall be responsible for initiating the juvenile petition or will seek the assistance of an investigator to do so.

I. Investigations Involving Juveniles

1. The police officer taking a juvenile into custody for any reason (including interview or who detains a juvenile for anything but a minor traffic violation) will be responsible for notifying the parent or guardian as soon as possible. (Ref: CALEA 44.2.3, Item A)
2. Advise the juvenile of his/her constitutional rights under the Miranda decision and ensure that the juvenile understands those rights. (Ref CALEA 44.2.2, Item C)
3. Limit the duration of the questioning to a reasonable period of time not to exceed two hours to avoid causing undue stress or exhaustion of the juvenile. (Ref: CALEA 44.2.3, Item B)
4. No more than two officers will be involved in the interrogation of a juvenile at any given time. (Ref: CALEA 44.2.3, Item B)
5. Ensure that the Police Department's juvenile procedures and the procedures for any forthcoming actions of the juvenile justice system are explained to the juvenile. (Ref: CALEA 44.2.3, Item C)

J. Alcohol Violations

In any case involving alcohol possession by a minor, the officer will at a minimum notify the parents and release the juvenile to the parents and seize the alcohol. In addition, the officer may file formal charges.

K. Traffic Law Violations

If a traffic code violation is committed by a juvenile, a Uniform Traffic Summons will be issued, unless the officer believes a warning to be sufficient. In this case, a verbal warning or written warning may be given. Additionally, the officer may choose to notify the parent or guardian. All traffic offenses will be charged before the appropriate adult court of jurisdiction.

L. Investigations Taking Place on School Property

On occasion, during the course of an investigation, the police may respond to a school to question a student. The police officer must contact the school administrator before questioning a student or taking a student into custody.

M. Identification of Juveniles

The following guidelines will be followed regarding the processing and identification of juvenile offenders.

1. Juveniles who are being processed for a violent felony (SC Code of Laws 16-1-60), a crime in which a weapon was used, distribution or trafficking in drugs or auto theft will be fingerprinted. Other than the above provisions, a court order will be required. Fingerprint records will be transmitted to SLED.
2. A juvenile may be photographed without a court order.
3. To obtain physical samples from a juvenile such as hair, blood, urine, nails, or stomach contents, a parent or legal guardian's consent must first be obtained or a court order must be issued.

N. Juvenile Records

1. Adult and juvenile arrest and identification records will be maintained separately, as outlined in the "Records" procedure of this manual and according to SC Code of Laws 20-7-8505. The dissemination of those records will be in accordance with procedures outlined in this manual and the SC Code of Laws 20-7-8510.
2. Expungement of juvenile records will be handled as follows:
 - a. Upon receipt of a court order outlining the exact offense record that is to be expunged, all information identifying that juvenile shall promptly be removed from Department records.
 - b. Records of juvenile offenders shall be expunged upon the juvenile attaining his/her seventeenth (17th) birthday.

- c. Access to juvenile records shall be done only on a legitimate need to know basis, consistent with SC Code of Laws 20-7-8510 and are not open to public inspection.
 3. The staff assistant, as administrator of the Records Section, shall be accountable for the collection, maintenance, dissemination and retention of juvenile records. Decisions made by the staff assistant shall be binding on all members of the Department, subject to appeal to the Chief of Police.
- O. Service Agency Directory

Following is a list of services available to assist in situations where juveniles are involved or it is desirable to divert a juvenile. This list is by no means exhaustive and serves only as a guide to assist officers. Officers may use any agency that is appropriate to the problem, but the most often used agencies are:

1. Department of Social Services
Orangeburg (803) 531-3101
2. Department of Juvenile Justice
Orangeburg (803) 533-6270 Fax: (803) 536-3480
On-call pagers are listed monthly and filed in the Police Department.
3. Juvenile Detention Center (803) 896-9440
(Ref: CALEA 44.2.9)

P. Review of Operations

1. Each year all enforcement and prevention programs relating to juveniles shall be evaluated by the Chief's designee with input from any members of the Department regarding whether or not these programs should function as is, be modified, or be discontinued. This evaluation will take place in June of each year, and will be completed prior to June 30th. (Ref: CALEA 44.1.3)
2. Effective April 1, 2004, whenever policies or procedures relating to juveniles are modified, the Department of Juvenile Justice and any other interested juvenile agencies shall be contacted for their input into proposed changes. (Ref: CALEA 44.1.3)

IV. Preventive Programs

A. School Liaison Program

1. Though the Orangeburg County Sheriff's Office has an assigned SRO, all officers are assigned to the area of the North Middle/High School in the Town of North and shall also have responsibility as that school's liaison officer. (Ref: CALEA 44.2.4)

2. The North Police Department will avail itself as a resource with respect to education and delinquency prevention programs within the schools. (Ref: CALEA 44.2.4, Item A)
3. Each officer may be assigned and will participate in school classroom presentations designed to present guidance on ethical issues in a classroom setting. (Ref: CALEA 44.2.4, Item B)
4. Any officer having dealings with the school or school children shall be available and are authorized to provide individual counseling to students who seek such help. (Ref: CALEA 44.2.4, Item C)
5. Upon request, an officer will present programs on a variety of police subjects, including the law enforcement role in society, alcohol and drug abuse resistance education, laws of arrest, search and seizure and traffic safety. (Ref: CALEA 44.2.4, Item D)
6. The Chief's designee and the Chief of Police will work with school officials on the control and identification of juvenile problems and share information with school officials so that effective and relevant programs can be developed to address these problems.

B. Participation in Community Recreational Youth Programs

The North Police Department supports the philosophy of police and youth interaction and encourages all of its members to become active in community recreational youth programs and other youth activities, whether sponsored by the Town of North or another agency. Officers shall be permitted to participate in such programs on a voluntary basis. Supervisors shall consider modifying work hours to allow officers to engage in such voluntary positive role model activities. (Ref: CALEA 44.2.5)

V. Juvenile Arbitration Program

A. The objectives of Orangeburg County Juvenile Arbitration are:

1. To permit the first time juvenile offender of a minor crime to purge this record from the system by completing a list of tailor-made requirements that are determined by a volunteer arbitrator.
2. To reduce the workload on the Department of Juvenile Justice by removing some cases from the system, thus allowing the staff to concentrate on more serious crimes.
3. To allow the community to become involved in the juvenile justice system.

B. The North Police Department fully supports the arbitration program. The role of its officers in the arbitration program is to:

1. To be knowledgeable of the arbitration program as an alternative;
2. To make appropriate referrals of juvenile offenders to the program;
3. To participate fully in the arbitration hearings.

(Ref: CALEA 44.2.1)

Mark P. Fallaw
Chief of Police

Date

NORTH POLICE DEPARTMENT
Juvenile Summons and Release Form

Pursuant to South Carolina State Law 20-7-600, the juvenile
_____ is being released to
parent(s)/guardian(s) _____ with
the promise to bring the juvenile back to court when stated by the Family
Court. Failure to do so may cause a warrant to be issued against you.

Parent or Guardian

Date

Releasing Officer

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
6.12.1

Subject
Missing Person Investigations

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 41

Distribution
All Personnel

Re-Evaluation
Annual

Pages
3

I. Purpose

To facilitate the proper handling and care of missing persons.

II. Policy

- A. Reports shall be made immediately in all cases of missing persons. There is no waiting period in missing persons or missing child cases.
- B. In no way shall this agency prohibit or discourage the filing of or the taking of action upon a missing person or a missing child report.
- C. All reports shall be promptly completed and filed on an Incident Report, MPIC form, and an immediate investigation initiated.

III. Procedure

- A. Whenever a parent, custodial parent, guardian, legal custodian, or other person having responsibility for the child, informs police that the child is or may be a missing child, the report officer shall immediately take the report.
- B. The reporting officer shall obtain the following information;
 - 1. Height, weight, color of hair and eyes
 - 2. Use of eyeglasses or contacts
 - 3. Skin color
 - 4. Physical or mental handicap
 - 5. Scars or marks
 - 6. Date/place of birth

7. Detailed description of clothing
8. Photographs
9. Social security number, driver's license number if applicable
10. Names/addresses parents and relatives
11. Nicknames
12. Names/addresses of friends
13. Locations frequented
14. Are dental records available?
15. Are fingerprints of the child available?

(Ref: CALEA 41.2.5, Item A)

C. Upon taking any missing person report, the reporting officer shall take prompt action upon it, including but not limited to the following;

1. Notify shift supervisor.
2. Provide information to Orangeburg County Communications Center and request a broadcast to other area agencies.
3. Provide information to adjacent jurisdictional authorities.

(Ref: CALEA 41.2.5, Item B)

4. Conduct a search if circumstances necessitate. A search will be conducted for missing children under the age of 12, for elderly persons or disabled persons who may have "wandered away," when foul play is suspected or as otherwise determined by a supervisor. If a child, elderly or disabled person is missing, a search of the home and immediate area will be conducted. Also, searches will be made of areas the person is known to frequent. Contact will also be made with acquaintances and/or relatives the missing person is likely to contact.

(Ref: CALEA 41.2.5, Item F)

D. The reporting officer must request the dispatcher to enter the information with the National Crime Information Center (NCIC) as soon as possible. Such request must conform to established NCIC regulations regarding missing persons. (Ref: CALEA 41.2.5, Item C)

E. The reporting officer shall follow-up with the reporting persons to make reasonable efforts to acquire additional and ongoing information about the missing person following the transmittal of the initial information available, and promptly integrate any additional information acquired into NCIC.

(Ref: CALEA 41.2.5, Item E)

- F. If foul play is suspected, the SLED Missing Person Information Center will be contacted for their assistance. (Ref: CALEA 41.2.5, Item F)
- G. When a missing child (under age 17) has not been located within thirty (30) days after the date in which the report was filed, the reporting officer shall request from the missing child's parents or guardians, the dental records of the missing child. The dental records shall be entered into National Crime Information Center (NCIC). (Ref: CALEA 41.2.5, Item G)
- H. When the missing person has been located or the missing child has returned to the home of, or to the care, custody, and control of his parents or legal guardian, and this agency has received notification that the person is no longer missing, the officer receiving the notification will request that the dispatcher remove the information from the National Crime Information Center (NCIC) computer immediately. The officer shall file a Supplemental Report. (Ref: CALEA 41.2.5, Item D)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
6.13.1

Subject
Alarm Response

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 41

Distribution
All Personnel

Re-Evaluation
Annual

Pages
5

I. Purpose

To provide guidelines for the police response to robbery and burglar alarms.

II. Policy

It is the policy of the North Police Department to respond to robbery and burglary alarms in a safe and effective manner in order to safeguard life and property.

III. Procedure

A. Robbery Alarms

1. The tactical plan for hold-up alarms is as follows. When the dispatcher is notified of a hold-up alarm the dispatcher shall:
 - a. Immediately dispatch an officer and a back-up unit.
 - b. Telephone the alarm location.
 - c. When and if someone answers, the dispatcher will identify him/herself as the Police Department and state "Your alarm has been activated. Is everything O.K.?"
 - d. If the individual answers "Yes," the dispatcher will advise him/her to have someone meet the officer outside and will obtain the race, sex and clothing description of the person who is going outside to meet the officer.
 - e. The dispatcher will advise the responding officer that everything appears to be okay by telephone and provide the description of the person who is going to meet the officer outside.

- f. If the dispatcher receives no answer at the alarm location he/she will advise the officer.
- g. If the dispatcher calls the alarm location and the individual states "No," the dispatcher will then ask the following "yes" and "no" type questions:
 - (1) "Are you being robbed?" If yes, continue.
 - (2) "Is it one person?"
 - (3) "Is it two persons?"
 - (4) "Male?"
 - (5) "Female?"
 - (6) "White?"
 - (7) "Black?"
 - (8) "Hand guns?"
- h. The dispatcher will attempt to keep the caller on the line and immediately notify the officer of the robbery. The dispatcher will continue to attempt to solicit and dispatch new information.

2. Police Patrol Unit Responsibility

- a. Upon receiving a dispatch for a robbery alarm, the officer will respond immediately to the location, using due regard for the safety of others. The officer should arrive inconspicuously.
- b. The officer will assume a secured position to view the business and possible escape routes.
- c. The officer will direct back-up units to take up positions to provide 360 degree observation of the business.
- d. Officers will be alert for signs of "business as usual," possible look outs, get away vehicles, etc.
- e. Officers will wait for notice of alarm status from Communications.
- f. If notified of possible false alarm from Communications:
 - (1) Officers will wait for an employee to exit the building and approach the officers' location.

- (2) Officers will use caution when approaching the individual.
 - (3) If after discussion with the employee everything appears to be safe, one officer should accompany the employee into the business.
 - (4) Confirm the status of the alarm.
 - (a) Contact Communications.
 - (b) Disregard backup units.
- g. If a robbery has occurred and the suspects have left the scene:
 - (1) One officer is to approach the business and make contact with the employee.
 - (2) Determine the status of the robbery.
 - (a) Contact Communications.
 - (b) Check for injuries.
 - (c) Make the necessary broadcast of descriptions, direction of travel, etc.
 - (d) Follow crime scene investigative procedures.
- h. If there is no answer or an employee will not come outside, consider the incident as a robbery-in-progress and handle as procedure dictates.
 - (1) Have Communications re-contact the business by telephone.
 - (2) Secure all escape routes.
- i. Robbery in progress:
 - (1) Secure the scene and take appropriate immediate action as the situation dictates.
 - (2) Use cover and concealment.
 - (3) Request additional back up units.
 - (4) Do not attempt to enter the location.
 - (5) Wait for suspect(s) to exit.

- (6) Challenge the suspect(s) to halt, drop any weapons and surrender.
- (7) Be alert for possible hostages and bystanders.
- (8) If a hostage situation occurs, follow the Unusual Occurrence Plan.

B. Burglar Alarms

1. The tactical plan for burglar alarms is:
 - a. Upon receiving the alarm the dispatcher will dispatch a unit and a back-up unit to respond.
 - b. No telephone call shall be made to a residence or to a business that is probably closed as this would alert any suspect.
 - c. A burglar alarm received from a business during its probable business hours will be handled as a robbery alarm as per the above procedure.
2. Police Patrol Unit Responsibility
 - a. Respond immediately to the location, but do not park in front of the location.
 - b. Make a visual check of activity at the location and be alert for suspects.
 - c. Together, both officers shall check all exterior windows and doors for signs of entry, attempted entry or for being left unsecured. Officers will physically check all doors that are accessible to the officer.
 - d. If the location appears to be secure, notify the dispatcher of such and ascertain if a key holder is responding. If a key holder is responding, one officer will wait for a reasonable time for the key holder to arrive. If a key holder is not responding, the officers will return to service.
 - e. If an unlawful entry or open door or window is discovered, the officers will secure the scene and notify Communications.
 - (1) The officers will request additional back up, as required, and ask the supervisor to respond.

- (2) Unless a human life is in danger, officers will not enter the location before the supervisor arrives and approves the entry.
- (3) The supervisor will decide whether to send officers inside or whether to request a search canine from the appropriate Sheriff's Department or agency.
- (4) The supervisor may request the key holder to respond so that entry can be made through a door rather than a window or other hazardous location. If there is evidence that the building has been burglarized, the key holder will not be permitted to enter until the building has been secured.
- (5) No less than two officers will be used as a search team to systematically search a building.
- (6) The perimeter of the building must be secured if there is evidence that it has been burglarized.
- (7) Upon conclusion of the search, the key holder, if not already notified, will be called to the scene.

3. False Alarm Report

False alarms must be recorded in the False Alarm Log Book.

(Ref: CALEA 41.4.1)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
6.14.1

Subject
Emergency Notifications

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapters 41, 46

Distribution
All Personnel

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Annual

Pages
6

I. Purpose

To establish procedure for making notifications.

To provide differentiation of definition of official and non-official notifications.

To furnish information regarding support services.

II. Policy

A. "Official notification" is notification of any police officer, Police Department division, coroner, public works, highway department, public utility, other law enforcement agency, fire department, EMS, governmental agency or other agency or agent as provided in this procedure for any of the following reasons:

1. As made mandatory by:

- a. Any law, statute or ordinance.
- b. The North Police Department Policies and Procedures Manual.
- c. Other competent authority.

2. For assistance in the investigation of, control of or in relation to any of the following:

- a. Crime.
- b. Civil disorder.
- c. Disaster.

3. For reasons of protocol and/or to gain assistance on occasions where a North Police Officer is accomplishing police action outside the Town of North.

B. "Non-official notification" is notification made to any person when such notification is provided by the North Police Department as a service to the public.

III. Procedure - Official Notifications

A. Notification of the Chief of Police

In the event of any of the following incidents, notification of the Chief of Police or Acting Chief is mandatory as soon as possible.

1. When there is serious illness or injury to any employee of the Town of North.
2. When there is any injury to an on-duty North Police Officer or serious injury or illness to an off-duty North Police Officer.
3. When any North Police vehicle is in an accident.
4. Any fatal or potentially fatal auto accident.
5. Any reported rape case.
6. Any reported child molestation case.
7. Any robbery.
8. Any homicide, suicide, death of suspicious nature or any death of a child twelve years old or younger.
9. When any child twelve years old or younger has been missing for two or more hours.
10. When any North Police officer is involved in any type of shooting.
11. When any prisoner in the custody of the North Police Department is seriously ill, dies as a result of illness, dies as a result of injury, or after being taken into custody is injured or is hospitalized for any reason.
12. When there is a serious civil disorder within the Town of North or the surrounding area.
13. Any racial incident at any public building or gathering.
14. Any bomb threat or bombing incident.

15. When any criminal charge is placed against any North Police Officer or any other public official.
16. When any civil suit is filed against any North Police Officer.
17. Any spectacular incident; i.e., flooding, a major fire, a train wreck, an explosion, other natural disaster, etc.

As a general rule, when in doubt, make the notification.

B. Other Notification Considerations

1. Notification of the Chief of Police does not relieve the on-duty supervisor of the responsibility of notification of other persons as provided in this manual.
2. The decision as to whether the Chief of Police will respond to any incident is at the Chief's discretion.
3. In the event that the Chief of Police is unavailable, the supervisor shall be notified.

C. Notification of the North Fire Department/Orangeburg County EMS:

Notification of the North Fire Department and/or EMS is mandatory in any of the following cases:

1. All reports of structural or vehicle fire, explosion, smoke from a structure, overturned vehicle, spills of gas or other chemicals, gas leaks and suspicious odors (such as natural gas).
2. Bomb threats or location of suspicious devices.
3. Upon encountering any person that is seriously injured or ill, unconscious, requests medical assistance or upon receiving report of same, unless it is certain that the EMS has been notified of same.
4. When it becomes necessary for the EMS or Fire to be notified, whether on a "standby" basis or to respond to any location and standby at the scene in case of injury such as an impending riot, etc., notification shall be made with the approval of the on-duty supervisor.

D. Notification of Department of Transportation/North Public Services:

1. Notification may be made of the SC Department of Transportation for any situation involving damage to the roadways, bridges, or traffic control devices on any of the state highways or other roadway systems in North. Notification may be made by the Orangeburg Communications dispatcher.

2. Notification of the North Public Services Department shall be made at the discretion of the supervisor for debris removal, flooding, or any other circumstances where emergency roadway maintenance or other emergency maintenance is required to avoid danger or serious potential danger to residents or citizens in the Town. The appropriate county public works department may also be notified.

(Ref: CALEA 41.2.4, Item B)

E. Notification of the County Coroner's Office:

1. Notification of the appropriate County Coroner's Office is mandatory in the case of any death occurring within the Town of North.
2. Unless otherwise directed by the supervisor, such notification shall be made by the reporting officer (from the scene, if possible) or at the hospital.

(Ref: CALEA 41.2.4, Item A)

F. Notification of Special Weapons and Tactics Teams

Notification of the SLED SWAT team shall be made through a request by the Chief of Police or Acting Chief whenever such assistance is necessary in any of the following situations:

1. Barricaded persons.
2. Hostage situations.
3. Apprehension of snipers.
4. Deployment of special weapons.
5. Deployment of chemical agents for crowd control.
6. Rescue missions.
7. Security for VIPs.
8. Civil Disorders and demonstrations

(Ref: CALEA 46.2.1, Item A)

When SWAT teams respond to assist the North Police Department at any incident, the shift supervisor will remain on the scene but will relinquish tactical command of the situation to the SWAT team commander, who shall control the actions of the SWAT team. The shift supervisor shall ensure that the Chief of Police is notified, and will surrender command to the Chief of Police or other officer so assigned by the Chief of Police.

(Ref: CALEA 46.2.1, Item C)

In cases of the apprehension of a criminal who has been known to use extreme measures to avoid arrest such as deadly force, taking hostages, barricading himself, etc., it is permissible for the Chief to have the SWAT team respond to the affected area and stand by in reserve in the event that the team is or may be needed. (Ref: CALEA 46.2.1, Item B)

G. Notification of Public Utilities Personnel

Whenever emergency notification must be made of water, gas, electric or other public utilities personnel, such notification may be made by contacting the Orangeburg Central Communications Center. (Ref: CALEA 41.2.4, Item C)

H. Notification of News Media

Occasionally it is necessary to notify the news media of events in order to garner public information and public support for an incident; i.e., critical missing person, known "armed and dangerous" suspect in the area, dangerous prisoner escapes, etc. When so necessary, the following guidelines as well as the "Public Information" procedure in Chapter 2 will be followed:

1. The Chief and/or the Chief's designee will determine the frequency and content of Department-generated media releases. Information shall be released to the media as soon as it becomes available, is organized and is determined by the Chief's designee or the Police Chief to be of importance to the media. When the Chief determines information should be disseminated, he/she shall make the information available to all media on an equal basis.
2. The Chief's designee is authorized to release information in accordance with this procedure at the scene of an incident or other fast breaking event where an agency spokesperson is required, or at any other time that the Chief of Police is not available. (Ref: CALEA 41.2.4, Item D)

IV. Procedure - Non-Official Notifications

A. Notification of next-of-kin of deceased, seriously injured, or seriously ill persons.

1. Whenever a notification of citizens must be made in any instance of death, serious injury or illness, or any other circumstance likely to produce shock in the citizen when the notification is received, the notification shall be made in person (and not by telephone) by the supervisor. The supervisor shall make a reasonable effort to check the validity of the information the request for notification is based on before making the notification. If the request is coming from out of town, the caller should be told to contact their local law enforcement agency to send a teletype message making the request.

2. If the person to be notified is not located in the Town of North, the police agency in which the person to be notified is located shall be contacted and that agency shall be requested to make the notification in person and to respond to the North Police Department supervisor that the notification has been made.
 3. In notifications of this nature, the notification shall be made on a priority basis.
 4. Only officers at the rank of corporal or higher shall make notifications of the next of kin of deceased, seriously injured or seriously ill persons. Police officers making notifications will use sensitivity when making these notifications. The supervisor will request the police chaplain to accompany him/her to assist with the notification. It is a good procedure to have a family member, a friend, neighbor, or present to console the person after the notification has been made. Officers may stay with a person notified of a death or other tragedy until an acquaintance is present, if circumstances so dictate.
- B. Routine notifications of a non-urgent nature, other than of the type listed above, may be made by police officers by telephone or in person.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

6.15.1

Subject

Domestic Violence Response

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 41 and SC Code of Laws, Titles 16, 20

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8

I. Purpose

To establish guidelines for police intervention in acts of domestic violence.

II. Policy

The primary objectives in responding to domestic violence calls are to de-escalate violent situations to protect victims, to reduce officer injury, to reduce repeat calls, to enforce the law against violators and to facilitate prosecution, where applicable. Therefore, it is the policy of the North Police Department to arrest persons where probable cause exists that the crime of domestic violence has occurred whether the victim wishes to prosecute or not, and to refer victims of domestic violence to professional agencies for counseling.

III. Definitions

A. Domestic Violence

The infliction of physical harm, bodily injury or assault, or the fear of imminent physical harm, bodily injury or assault, by one family or household member on another. Domestic violence is a crime.

B. Acts Prohibited

To cause physical harm or injury to his or her family or household member, offer or attempt to cause physical harm or injury to his or her family or household member with the apparent present ability and under circumstances reasonably creating fear of imminent peril.

C. Family/Household Member

Spouses, former spouses, persons who have a child in common, and a male and female who are cohabitating or formerly have cohabitated.

IV. Procedure

A. Response to call: Priority will be given to domestic disputes. Officers will respond immediately and coordinate their approach if two one-officer cars respond. Two officers should always be dispatched to active domestic disputes. Officers will obtain all available information from the dispatcher before arriving at the scene.

1. Approaching the Scene

- a. Do not park the police unit directly in front of the residence.
- b. Persons encountered while approaching the domestic dispute scene should be briefly questioned about the incident and parties involved. Remain alert for an assailant leaving the scene.
- c. Observe the location before contacting the complainant.
- d. Consider the surroundings before knocking. Listen and look in any nearby window to obtain additional information about the situation (layout of the house, number of people involved, weapons, etc.).
- e. Officers must be concerned for their own safety as well as the safety of the disputants. To minimize the possibility of injury, officers should stand to the side of the door when knocking. The unexpected may occur when the door opens.
- f. Officers should always keep visual contact with each other.

2. Initial Contact With Occupant(s)

- a. Identification: Identify selves as police officers by name, give an explanation of police presence, and request entry into the home (when conditions permit). If the complainant is in the home, ask to see him or her.
- b. Consent search: Officer may enter and conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership of a place or thing, either one may give a valid consent.

A spouse can consent to the search of premises used jointly by both the husband and wife. This is also true if the disputants are cohabitants. However, if one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.

- c. Refused entry: When refused entry to a residence, be persistent, explaining that a complaint was received and must be verified. If entry is still refused, request the dispatcher to call the complainant to re-contact the victim. If still refused entry, contact the supervisor and explain the situation.

The supervisor will decide whether to remain or leave. If officers remain at the scene, they should move to public property (the street) and observe the premises.

- d. Forced entry: There may be times when enough probable cause exists to indicate that a felony is occurring, has just occurred, or that a life is in danger. In these cases, if entry is refused or there is no reply from the premises, forced entry may be necessary to protect a life or make an arrest.

Some circumstances that can provide probable cause to force an entry include cries for help, displayed weapons, obvious signs that a struggle occurred, and/or an eyewitness account that a violent crime occurred and the victim is still on or in the premises. Officers shall evaluate the following elements when considering a forced, warrantless entry:

- (1) The degree of urgency involved and the time required to get a warrant;
- (2) The possibility of danger to others, including police officers left to guard the site;
- (3) Whether the suspected offense involved violence; and/or,
- (4) Whether officers reasonably believe that the persons may be armed and a threat to the community.

B. Once inside, establish control by:

- 1. Inquiring about the nature of the dispute.
- 2. Identifying disputants and any injuries.
- 3. Being aware of potential weapons in surroundings.

4. Determining if persons are in other rooms (children and other adults) and the extent of their injuries, if any. These persons should be separated from the parties involved and kept out of hearing range (to avoid compromising their witness status).
5. Listening for res gestae statements.

C. Protecting the Victim

1. Officers must protect the victim from further abuse. Separate the victim from the assailant, administer first aid and arrange for medical attention if victim is injured.
2. The victim can sustain internal injuries to the stomach, breast area, portions of the head covered by hair, and the back. Pregnant women are often hit or kicked in the stomach. The absence of external injury does not necessarily mean the victim has not been assaulted.
3. If victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment.
4. In all cases in which the victim is female, she will be given a Family Violence Crisis Card from CASA or Sistercare.

D. Interviewing the Disputants

1. Ensure safety and privacy by interviewing victim in a separate area away from the assailant, witnesses and bystanders.
2. Critical to the success of the interview is the police officer's manner. Officers must show interest through effective listening and remain aware of non-verbal communication signals.
3. Officers shall maintain good eye contact through natural, spontaneous glances. Fixed gazes or staring increase fear and hostility. A relaxed stance along with appropriate facial and head movements, demonstrates interest and encourages the victim to continue speaking.
4. Allow the parties to describe the incident (individually) without interruption at the beginning of the interview. Expect the parties to ventilate their emotions to relieve tension.
5. After the parties ventilate their emotions, and while still separated, the officer(s) should ask about the details of points for clarification and summarize the stated accounts, allowing the parties to point out anything that may be misrepresented.

E. Interviewing Witnesses

1. Witnesses to the incident - children, other family members and neighbors - should be interviewed as soon as possible.
2. These witnesses also may be in a significant emotional crisis.
3. If witnesses provide information about prior assaults, document the incidents to help establish a pattern.
4. Children of disputants will be interviewed with care and kindness. Sit, kneel or otherwise be at their level when speaking to them. Signs of trauma and apparent healing of abuse wounds shall be noted.

F. Techniques for Handling Non-criminal Disputes:

1. Referrals: Counseling may be needed. Make referrals to the agency that can best help the disputants.
 - a. Officers may advise the female victim to contact CASA or Sistercare. It is recommended that the victim contact the agency while the officer is at the scene.
 - b. Officers may advise the parties to seek counseling and provide them with a referral to a community mental health agency.
 - c. All family members may be referred to a counseling service.
2. Temporary separation: In addition to referral, may suggest a temporary separation for the disputants, until they regain their composure. When domestic violence or a violation of an order of protection has not occurred, a police officer can only suggest that an individual leave. This shall not be enforced with force or suggested threateningly.

G. Arrest Decisions

Officers must effect an arrest, based on probable cause and supported by the statements of the victim or witness, of abusers in domestic situations in the following circumstances:

1. Where an act of domestic violence has occurred as defined in SC Code of Laws 16-25-20 or 16-25-65.
2. Where a felony has been committed.
3. Where the officer is aware of a past history of assaults committed by the abuser and there is probable cause to believe another assault has occurred.

4. In cases where the conditions of a valid order of protection have been violated, a copy of valid orders should be on file in the Police Department or the petitioning victim should have a copy.
5. For offenses committed in the presence of the officer.
6. Where there are valid warrants on file for either party.

In cases in which more than one person has violated the law, all offending parties will be arrested. However, care must be taken to ensure that a victim acting in self-defense is not arrested. When it is safe to do so, officers should make arrests outside the presence of young children.

H. Gathering Evidence

1. Physical evidence takes three forms in domestic violence cases:
 - a. The injuries of the victim,
 - b. Evidentiary articles that substantiate the assault, and
 - c. The crime scene itself.
2. The victim's account of injuries sustained can be corroborated by a medical examination, if necessary.
3. The investigating officer will see that photographs are taken of visible injuries of the victim and make those photographs available for prosecution. Often it may be necessary to photograph the victim the next day as the bruises may not be immediately visible.
4. Photographing the crime scene to show that a struggle occurred is preferred; if not possible, make a written description of it.
5. All articles of evidence should be collected as in other investigations.

I. Arrest Warrants

The police officer can obtain the arrest warrants when elements of Criminal Domestic Violence exist. The complaining victim does not have to obtain the warrant. Often this will reduce the element of intimidation by the abuser to pressure the victim into withdrawing the warrant. In all other situations, the victim should be advised of the procedures for obtaining warrants.

J. Incident Reports

Officers will file Incident Reports on all domestic disputes and domestic violence cases reported to the North Police Department.

K. Responsibilities of Police Officers

SC Code of Laws 20-4-100 specifies the police officer's role where an act of domestic violence has been substantiated.

1. Advise the victim of the right to initiate criminal proceedings and to seek an order of protection.
2. Advise the victim of the significance of the preservation of evidence.
3. Offer to render assistance through transportation to a safe haven, hospital or a residence. The officer will standby as the victim effects the removal of clothing and other necessities such as medicine, diapers, personal documents, etc.
4. The officer will give the victim a copy of the Family Violence Crisis Card, and fill out and leave a copy of the Victim/Witness Information, Rights and Responsibilities form.

L. Emergency Housing for Abused Victims

In circumstances where it is necessary to assist the abused victim in temporarily leaving the residence, the officer will, as required:

1. Attempt to locate immediate family who could house the victim.
2. Determine if close friends could house the victim.
3. Ascertain if the victim has sufficient funds for accommodations at a hotel/motel. If so, the victim should be directed to make arrangements for such lodgings.
4. In the event the abused female victim is without funds, family or friends to secure emergency housing, the officer will contact the CASA Family Systems or Sistercare battered women/domestic violence shelter and place the victim in contact with a CASA or Sistercare counselor. Respective telephone numbers are:

CASA: (803) 531-6211

Sistercare: (803) 765-9428

M. Transportation of Abused Victim to Emergency Housing

The transportation of victims to emergency housing by police officers will be permitted when no other means is reasonably available.

N. Follow-up Contact with the Abused Victim

The assigned investigating officer will make contact with victims of assaults for follow-up. The contacts should be made within 3 days following the intervention to determine if subsequent violence has occurred. If other acts of violence have occurred, the officer shall advise the victim as to procedures for securing an order of protection or arrest warrants.

O. Special Situations

1. Weapons: When a weapon may be involved in the dispute, but no crime has been committed, the police officer should suggest voluntary impoundment of the weapon for safekeeping.
2. Children: When an arrest causes a child to be left without responsible adult supervision, police officers shall take the child into emergency protective custody and notify the Department of Social Services to respond pursuant to SC Code of Laws 20-7-610.
3. Intoxicated disputants: Arrests for public intoxication cannot be made in the disputant's home.

(Ref: CALEA 41.2.4)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

6.16.1

Subject

**Racial, Religious, Ethnic and
Sexual Orientation Violence**

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 41

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I. Purpose

The North Police Department will take a proactive role in promoting peace and harmony within the community, and in ensuring that rights guaranteed by State laws and the U.S. Constitution are protected for all citizens regardless of their race, color, ethnicity, religion or sexual orientation. When such rights are infringed upon by violence, intimidation, threats or other harassment, the Department will use every necessary resource to rapidly and decisively identify the perpetrators, arrest them and bring them before a court of competent jurisdiction.

II. Policy

It shall be the policy of this Department to bring the investigative and enforcement elements of the Police Department into quick action following any and all reported or observed incidents of racial, religious, ethnic or sexual orientation hatred. There is to be special emphasis placed on victim assistance and community cooperation in order to reduce victim/community trauma or fear. It must be remembered that the actions taken by this Department in dealing with incidents of racial, religious and ethnic bias are visible signs of concern and commitment to the community on the part of the Town of North government and its Police Department. The proper investigation of racial, religious, ethnic or sexual orientation hatred incidents is the responsibility of all North police officers. Each officer must be sensitive to the emotions, needs and fears that may be present in the community as a result of incidents of this nature.

III. Definition

A racially, ethnically, religiously or sexual oriented targeted incident is an act or a threatened or attempted act by any person or persons against the person or property of another individual or group that in any way constitutes an expression of racial, ethnic, religious or sexual orientation hostility. This includes but is not limited to a threatening phone call, hate mail, physical assault, vandalism, cross burning or destruction of other religious symbols, and fire bombing. Some incidents may not clearly fit a specific definition. In those cases, a common-sense approach must be used. If an incident appears to be an incident of racial, religious, ethnic or sexual oriented bias, it shall be investigated as such. Verification can be made during the investigation.

IV. Procedure

- A. Seriousness of Offenses: All acts of bias-motivated violence or threats will be viewed as serious, and the investigations will be given priority attention. Such acts may generate fear and concern among victims and the public, and have the potential of recurring, thus escalating and possibly causing counter-violence.
- B. Patterns Which May Indicate Hate Crimes: Officers must recognize that single incidents such as vandalism or threats may initially appear as less serious when viewed in the larger context of all crime. Incident Reports will be reviewed for patterns of incidents occurring at either the same location or directed at a particular individual or group. Very often, what may begin as a minor incident, escalates into a more serious crime.
- C. Actions of Responding Officers

When an officer on the scene makes a determination that an incident is of racial, religious, ethnic or sexual orientation bias, the following procedures are to be used. To achieve a thorough investigation and a sensitive response to the victims and community, responsibility shall be as follows:

- 1. Respond in a sensitive way to the feelings and needs of the victim(s);
 - 2. Preserve the crime scene and evidence;
 - 3. Immediately take all possible investigative and enforcement action;
 - 4. Notify the investigator of any racially motivated destruction of property that takes place.
 - 5. Prepare a detailed Incident Report;
 - 6. Make a follow-up visit to assure the victim that the police are doing everything possible to eliminate the fear factor and apprehend the suspect(s).
- D. Duties of the Patrol Supervisor
 - 1. Respond immediately to the scene of all incidents;
 - 2. Ensure that the crime scene is protected;
 - 3. Ensure that the investigative personnel have been notified if any racially motivated destruction of property takes place;
 - 4. Ensure that the scene is properly processed and evidence gathered;
 - 5. Visit the victim(s) as soon as possible, assuring them that the investigation will be actively pursued;

6. Notify the Chief of Police as soon as possible of the following information (if applicable):
 - a. Any disturbance or destruction of property that is racially, religiously, ethnically or sexual orientation motivated;
 - b. Size of any burned cross and the materials from which it was made;
 - c. Exact time and location of the incident;
 - d. Whether arrests are imminent, or the names, addresses, dates of birth, sex, and race of any persons arrested.
7. Arrange for an immediate increase of patrols throughout the affected area. If, in the judgment of the patrol supervisor, there still exists the potential for further acts of violence, a unit should be specifically assigned to the location in a fixed position.
8. Ensure that all physical remains of the incident are removed after processing is completed. If the remains cannot be removed (example: paint on walls), the supervisor shall attempt to impress upon building or property owners the need for complete restoration as soon as possible.
9. Ensure that the report contains full data on the materials used, (cross, literature, paint, etc.), including size, construction, wrappings, messages, the method of removal and the disposition of the remains.
10. Maintain contact with community leaders concerning the progress of the investigation.
11. Assure that the victim(s) and other concerned parties are informed of a case clearance.

E. Duties of Criminal Investigations Division Personnel

An investigator shall respond to the scene of any racially, religiously, ethnically or sexual orientation motivated destruction of property and shall (if applicable):

1. Obtain a sample of the cross, paints, or other materials used;
2. Photograph and process the scene;
3. Request a SLED Forensics team to respond (if needed);
4. Gather and take custody of any related evidence;
5. Maintain all reports of hate crime incidents;

6. Contact appropriate State, Federal and/or local law enforcement agencies for assistance with serious cases;
7. Maintain liaison with Federal, State, and local agencies for intelligence information exchange;
8. Keep the arresting officer informed of the status of the case.

F. Reporting of Bias Motivated Crimes

1. An Incident Report must be completed on all known or suspected bias motivated crimes.
2. In addition to the Incident Report, a suspected bias-motivated incident report must be completed.
3. The Chief of Police is the Department's reviewing officer for all reports of known or suspected bias-motivated incident reports.

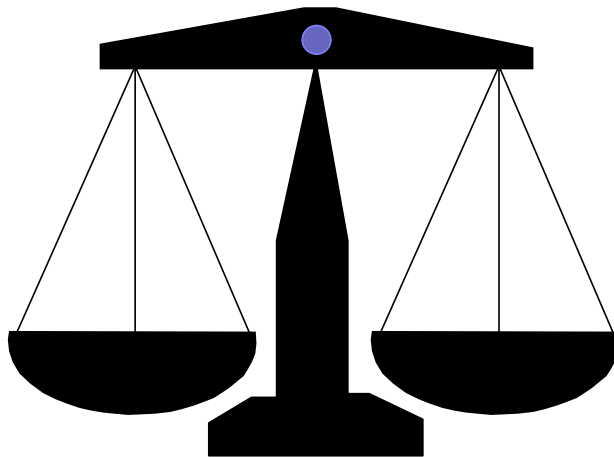
(Ref: CALEA 41.2.5)

Mark P. Fallaw
Chief of Police

Date

North Police Department

North, South Carolina



"An Effective and Efficient Agency"

Policy and Procedure Manual

Chapter 7- Traffic Administration

Mark P. Fallaw
Chief of Police

Chapter 7 – Traffic Administration

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Related Standards/Statutes/References/Policies
CALEA Chapter 61

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I. Purpose

To establish the traffic functions to be performed by the North Police Department.

II. Policy

- A. The responsibility for the enforcement of traffic laws and regulations rests with all uniformed personnel of the Department. All sworn officers, while on duty and in uniform, shall take appropriate enforcement action for all violations of traffic laws and regulations they observe.
- B. Patrol units will have primary responsibility for selective traffic enforcement and traffic accident investigation. (Ref: CALEA 61.1.1)

III. Procedure

- A. Traffic law enforcement is one of the primary responsibilities of the agency and has as its basic objectives:
 - 1. Identifying and removing from the streets and highways those drivers whose behavior indicates that they are an immediate danger to the public; i.e., DUI drivers.
 - 2. Improving driving behavior that differs from the accepted or legal requirements through direct enforcement contact and driver observation of police enforcement activities.
 - 3. Developing and encouraging voluntary compliance with traffic laws and ordinances through a continuing enforcement program.

B. Police Traffic Functions

In addition to enforcement of traffic laws, the police traffic function shall consist of the following elements:

1. Technical accident investigation, to include investigation of all fatal and serious personal injury accidents, accidents involving Town (other than police vehicles), hit-and-run accidents, and accident investigation follow-up and reconstruction.
2. Maintenance of speed measuring devices (RADAR and LIDAR).
3. Operation of chemical breath test equipment.
4. Specialized traffic congestion and parking control during peak traffic hours and special events.
5. Traffic safety education and public information.

(Ref: CALEA 61.1.1)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

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Uniform Enforcement Guidelines

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CALEA Chapter 61

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I. Purpose

To provide guidelines for uniform traffic enforcement activities performed by patrol officers.

II. Policy

It is the policy of the North Police Department to enforce the traffic laws in an effective and appropriate manner in order to promote traffic safety and to reduce traffic accidents.

Uniform Traffic Enforcement - Appropriate uniform enforcement action for traffic violations is important if motorists are to enjoy safe driving in the Town of North. Good judgment by the police officer for consideration of the circumstances and conditions at the time of the violation will ensure appropriate action and gain the public confidence in traffic enforcement.

III. Procedure

A. Speed Law Violations

Speeding violations are to be considered a type of offense that may cause auto accidents, property damage, and injuries. The enforcement of speed violations is considered to be a high priority, especially in those areas that have proven to possess a high injury/accident rate. Speeding enforcement should also be performed on residential streets, school zones and at locations where citizens' complaints have indicated that speeding violations occur. The following guidelines should be followed when taking enforcement action:

1. All detected speeding violations will be enforced by warning or citation, especially at the locations and times noted in directed patrol reports.

2. Generally, the officer will allow a 15 MPH tolerance above the speed limit before issuing a citation. In certain residential areas or at certain times such as during inclement weather with hazardous road conditions, this tolerance may not be appropriate and stricter enforcement may be necessary as determined by the supervisor.
3. When speed has been determined to be the contributing factor in a traffic accident, a citation may be issued. This includes speed-related offenses such as "Following Too Closely" and "Too Fast for Conditions."
4. Whenever there exists sufficient reason to believe that factors such as improperly calibrated speedometers, marginal weather conditions, unfamiliarity with the speed zone and other factors may give cause to believe a citation is not necessary, officers may exercise discretion by deciding that a warning is more appropriate than a citation. Under these circumstances, officers are authorized to use their judgement in issuing a verbal or written warning in lieu of a citation.

(Ref: CALEA 61.1.5, Item C)

B. Other Hazardous Violations

Hazardous traffic law violations are defined as those violations of any law or regulation affecting the use or protection of streets or highways enacted primarily to regulate safe movement of vehicles and pedestrians. There are two types:

1. Unsafe behavior - an action or omission of compliance with traffic law that is hazardous even when vehicles, streets or highways, and people involved are in a legal condition; i.e., reckless driving, careless operation, etc.
2. Unsafe condition - causing or permitting an illegal and possible hazardous condition thereof:
 - a. A driver or pedestrian in traffic; i.e., intoxicated pedestrian, etc.
 - b. Streets or highways used by traffic; i.e., throwing nails on highway, etc.
 - c. Vehicles used in traffic; i.e., faulty brakes, faulty exhaust, etc.

Officers will issue citations or warnings for hazardous moving violations and operating unsafe vehicles. (Ref: CALEA 61.1.5, Item D)

C. Equipment Violations

Minor equipment violations such as a light out, lights not flashing or no license plate light, etc., will receive a warning, written or verbal, unless the officer has documented a prior warning within the past 30 days to the motorist for the same violation. When a vehicle is found to be in violation of several equipment requirements or a serious violation such as no brakes, a citation will be issued for the most serious violation. This action should be taken even when each violation independently is worthy of only a warning. Only one citation will be issued for such multiple equipment violations. (Ref: CALEA 61.1.5, Item F)

D. Public Carrier/Commercial Vehicles

Public carriers and commercial vehicles will be treated the same as the general motoring public. Uniform enforcement policies and procedure delineated in this directive are applicable to the commercial carrier.

(Ref: CALEA 61.1.5, Item G)

E. Other Non-Hazardous Violations

Officers will issue citations for littering violations. Other minor traffic infractions may be resolved by verbal warning. Subsequent violations may warrant a citation.

(Ref: CALEA 61.1.5, Item H)

F. Multiple Violations

When multiple violations are observed that can be classified separately as having distinctly different elements, they shall be dealt with independently. A motorist stopped for following too closely and subsequently found to be operating without a driver's license will be issued two separate citations. In situations where two violations are similar to the extent that the elements of one law are included in the other law, only the most serious will be charged. A motorist who has been charged with DUI would not be charged also with operating left of center of the roadway and/or speeding if these offenses occurred concurrently with and are important factors in the charge of DUI. Do not cite for lesser-included offenses.

A warning citation may be issued at the officer's discretion for a non-hazardous (and non-serious) violation in conjunction with another citation for a more serious equipment or hazardous moving violation. For example, a warning for no driver's license in possession may be issued when a subject has been stopped and given a citation for speeding.

(Ref: CALEA 61.1.5, Item I)

G. Newly Enacted Laws And/Or Regulations

It is the policy of this Department to issue warnings for a period of 30 days after a new traffic law becomes effective in lieu of special orders to the contrary. When new traffic control devices have been erected or installed, warnings shall be issued for at least 30 days from the time of installation unless the violation results in an accident.

(Ref: CALEA 61.1.5, Item J)

H. Pedestrian And Bicycle Traffic Enforcement

1. Officers will take appropriate enforcement action when and where pedestrian violations or bicycle violations are observed.
2. The enforcement actions will be commensurate with the pedestrian and bicycle accident experience, with specific emphasis being placed on these particular violations, and at times and places as determined through analysis of Accident Reports. Citations will not be issued to pedestrians under age 15.
3. Pedestrian Enforcement - The enforcement of traffic laws pertaining to pedestrians necessitates broad discretion from individual officers. To provide guidance in this discretion, the following procedures are established to result in more uniform and consistent application of the law:
 - a. Prior to any substantial increase in the enforcement effort directed toward pedestrian traffic, sufficient publicity and community awareness campaigns will be conducted by the Department.
 - b. Officers will concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have been frequent and/or severe.
 - c. With regard to pedestrian traffic laws, the spirit of the law will supersede the letter of the law and application will be made accordingly.
 - d. Pedestrian violations resulting in traffic accidents will be cited.
4. Bicycle Enforcement - The use of bicycles as a major means of transportation, both for business and recreation, has resulted in an increase in traffic accidents involving bicycles and an attendant increase in traffic fatality and personal injury accidents. It is inherent in the role of the police to enforce those laws relating to the safe operation of bicycles. In this regard, officers have a unique challenge with regard to their discretion in applying those laws. The following procedures are guidelines to discretion that should result in a more uniform and consistent application of the law:
 - a. In those areas where congestion and the frequency of traffic accident experience involving bicycles has been predominant, those laws pertaining to the proper operation of bicycles will be strictly enforced.

- b. On those arteries with a substantial flow of vehicular traffic and where hazardous moving violations are observed involving persons operating bicycles, the applicable laws will be enforced.
- c. In those areas where traffic flow is minimal, visibility is unobstructed, and traffic accident experience low, officers will exercise discretion in the application of those laws regarding safe operation of bicycles.
- d. Officers should be less tolerant with older offenders, age 15 and older, who should be aware of the hazards inherent in the unsafe operation of bicycles. Officers should be more lenient in the enforcement of the law and more instructive in their response to youthful offenders, under age 15, who may not be fully aware of their responsibility in the safe operation of bicycles. Citations will not be issued to bicyclists under age 15.
- e. Citations will be issued to bicyclists for violations resulting in traffic accidents except as noted above.
- f. The school safety and crime prevention programs will include various bicycle safety courses to inform and familiarize younger children in the proper and safe operation of their bicycles.

(Ref: CALEA 61.1.5, Item L)

I. Off-Road And Recreational Vehicles

- 1. When investigating the use of recreational vehicles on private property, attempts will be made to contact the property owner to determine if permission has been granted to operators of recreational vehicles to operate on the owner's property. If the owner's permission is not granted, the operators will stop using the property and be advised to keep written permission with them along with the name and phone number of property owner so he/she may be contacted to verify permission. If misuse or abuse of private property occurs while operating a recreational vehicle such as reckless driving, DUI, hit and run or vandalism enforcement action will be taken by officers.
- 2. Any recreational vehicle driven upon public roadways falls in accordance with registration laws and driver's license laws, as would any other motor vehicle driven upon public roadways.
- 3. Towing of recreational vehicles will be in accordance with procedures as outlined in "Impounding and Towing Vehicles" in this Chapter.
- 4. Juvenile offenders may be cited or warned. The officer will notify the juvenile's parent or guardian if a warning is given and may notify the parent or guardian even though a citation is issued.

5. Operators of a recreational vehicle are responsible for any excessive noise produced by the vehicle and may be cited for any violations pertaining to excessive noise as provided by law.
6. Accident investigations of off-road recreational vehicles on private property or public roadways will be investigated the same as would any other vehicle accident.

(Ref: CALEA 61.1.5, Item E)

J. Parking Violations

1. When enforcing parking violations in residential areas, the officer should first attempt to correct the parking violation. The owner will be contacted if the vehicle is parked close to the owner's residence. If compliance is not achieved or if the violation is a repeated offense or an immediate hazard, a citation will be issued.
2. In handicapped spaces, fire lanes, no parking zones, blocking sidewalks, blocking driveways, etc. a citation should be issued. The officer may elect not to issue a citation if the driver returns to the vehicle and is willing to correct the violation.
3. Blocking a roadway is sufficient reason for the vehicle to be towed if the operator cannot be located in a timely manner (within 30 minutes). A parking citation will be issued. (Ref: CALEA 61.1.13)

K. Driving Under Suspension Or Revocation

The patrol officer is frequently in the position of encountering drivers, following the detection of a traffic violation or other contact, who are unable to produce a valid driver's license. This could be the result of various actions not only of the driver, but also of the court and/or the Department of Motor Vehicles.

The officer will check or request the dispatcher to check, through the computer, by name and date of birth or driver's license number for the current status of driving privileges. If the violator has a valid license, then the officer's actions should be dictated by the initial violation or contact. The officer may issue a citation for no driver's license in possession.

1. If the driver does not have a valid driver's license, the officer should determine if the violator was ever issued a license through this state or his/her state of residency. If it can be determined no license was ever issued, the officer will cite for no driver's license, unless circumstances warrant a physical arrest (e.g., no positive identification of the driver, General Sessions charges, etc.).

2. If the violator was issued a license in this state or his/her state of residence and the violator's driving privileges have been revoked or suspended, the officer will cite for driving under suspension and will make a physical arrest. The physical arrest can be waived by the officer if the officer has reason to doubt the accuracy of the computer check of the violator's driving record. The supervisor will be notified by the officer.
3. If there is a doubt about the correct status of a license suspension, the officer will cite and release the driver in lieu of physical arrest. The officer will notify the supervisor of the situation. If further investigation reveals the suspension is more than first offense, an arrest warrant can be obtained for the subject. Unless the driver is incarcerated, the vehicle will not be towed. However, if the driver, a vehicle owner or other licensed, authorized person is unable to legally move the vehicle, the officer may tow the vehicle.

(Ref: CALEA 61.1.5, Item B)

L. Seat Belt And Child Restraint Violations

Officers will enforce the seat belt and child restraint laws. Officers must observe the various legal requirements of each law while taking enforcement action. The importance of the proper use of occupant restraints will be stressed to motorists and will be enforced through citations or warnings. Violations of the child restraint law will be cited.

M. Request For Re-Examination Of Driver

Routine enforcement and accident reporting and investigation activities frequently lead to the discovery of drivers who have suspected incompetence, through physical or mental disability, disease or other condition, which might prevent the person from exercising reasonable and ordinary care over a motor vehicle. Officers detecting such a person will complete the appropriate form to request a re-examination by the Department of Motor Vehicles. The form will detail the reason for the request and will be forwarded to the Chief of Police for approval.

(Ref: CALEA 61.1.12)

N. Violations Resulting In Traffic Accidents

Whenever the officer investigating a traffic accident determines that a violation of law has occurred and a sufficient amount of evidence exists to support prosecution, the officer will issue a citation. Any witnesses will be notified by the officer to appear in court at the appropriate place and time.

(Ref: CALEA 61.1.5, Item K)

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
7.3.1

Subject
Traffic Enforcement

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 61

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I. Purpose

To establish an approach to traffic law enforcement that provides for uniformity of action throughout the Department.

To provide a method of assuring fair and intelligent application of traffic laws and ordinances.

II. Policy

The policy of the North Police Department and the goal of traffic law enforcement are to reduce traffic collisions, fatalities and injuries, and to facilitate the safe and expeditious movement of vehicular and pedestrian traffic through the public's voluntary compliance with traffic regulations. This goal will be met through a combination of education, enforcement, engineering and public support. Uniform enforcement is a critical element of an effective traffic law enforcement program, and shall be the policy of this Department.

III. Procedure

- A. The constitutional rights and privileges of all people regardless of age, race, creed, or sex will continue to be faithfully observed and respected by all officers in the enforcement of traffic laws, ordinances and regulations.
- B. Traffic laws will be enforced at a level sufficient to ensure the safe and expeditious movement of traffic. Enforcement activities will be conducted in a consistent and uniform manner, and will not give preference to either local residents or non-residents.
- C. Assignment of the police officers to traffic enforcement activities will be based on principles of selective enforcement; resources will be directed toward specific violations, in specific locations, based primarily on traffic accident experience and citizens' complaints.

- D. The Department is definitely and unequivocally opposed to preferential treatment pertaining to adjudication of traffic cases in any manner by any agency, official or person.
- E. All patrol officers are responsible for traffic law enforcement, unless a specific situation dictates otherwise.
- F. Traffic law enforcement will not be used as a means to generate revenue for the Department, nor will it be used for salaries or other compensation for departmental personnel.
- G. Performance evaluation of police officers shall not be based exclusively on quantity of enforcement activity.
- H. Public understanding and support are essential to the effectiveness of all law enforcement programs. The Department will initiate and promote programs to inform and educate the public as to the conditions and driving behaviors adversely affecting the safe movement of traffic and the countermeasures implemented to combat them.
- I. Strategies and tactics for traffic enforcement must be consistent with the nature of the violation and its potential for interfering with the free and safe flow of traffic. The Department will use all legal and reliable technological methods available. Traffic enforcement activities will be conducted by uniformed officers using highly visible marked patrol vehicles. Unmarked vehicles will only be used under special circumstances as delineated by written procedure and with the approval of the Chief of Police.
- J. Traffic enforcement action will be taken without regard for such factors as attitude, intent, or frivolous excuse. Whenever legally and practically possible, officers of this Department shall issue citations to violators to appear in traffic court. Exceptions to this policy are enumerated in applicable policies and procedures.
- K. Many traffic accidents, particularly those involving fatality and personal injury, are directly attributable to persons driving under the influence of alcohol and/or drugs. The Department will ensure that officers are trained in all aspects of DUI enforcement and will cooperate with other agencies and community groups to reduce and control DUI related concerns.
- L. In all contacts with motorists, officers shall remain alert for the possibility that the driver may be under the influence and shall take appropriate enforcement action if such drivers are detected.
- M. No member of this Department shall either issue a courtesy card or honor a courtesy card issued by any other law enforcement officer.

1. Whenever any motorist attempts to use a courtesy card, the officer shall report this action to his/her immediate supervisor in writing, noting all particulars.
 2. A "courtesy card" is any business card, writing, or other non-verbal communication issued by a member of this or any other law enforcement agency to any person for the purpose of dissuading a law enforcement officer from taking appropriate enforcement action upon its presentation.
- N. Officer discretion is important to an effective traffic law enforcement program. The concept of tolerance in traffic law enforcement is not designed to destroy or distort the intent of the law. When applied with the principles and provisions set forth in these policies, use of discretion will strengthen the spirit of the law by making enforcement reasonable. Officers shall have discretion in making decisions on whether or not to issue a citation in all traffic violations except the following:
1. Violations resulting in auto accidents where there are serious injuries or death and probable cause exists.
 2. Driving Under Suspension, Driving Under the Influence, Reckless Driving, Hit and Run and any other serious traffic violation.

O. Voiding Traffic Citations

A traffic citation, once issued, shall not be voided prior to court trial except under the following circumstances:

1. Upon the written request of a police officer, when an error in the content of the citation is apparent. The officer's written request must have the favorable recommendation of the Chief of Police.
2. By a judge, prosecutor or the issuing officer in the interests of justice or as a plea bargain, or other reason specified by the judge.

Any other termination of a traffic citation is damaging both to the morale of the members of this Department and to the morale of the general public and may be illegal.

IV. Enforcement Policies

A. Visible Traffic Patrol (Area, Line, Directed)

Enforcement Practices - Based on the principle that the effective deterrent to traffic law violation is highly visible patrol in a distinctly marked police vehicle, and in the interest of maintaining a posture of prevention as opposed to apprehension, traffic law enforcement activities will be conducted accordingly. Officers will drive patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior.

1. Area patrol shall be primarily used in traffic enforcement in the entire Town of North. Area patrol refers to enforcement efforts over a number of streets, roads, locations, and sections of highways determined to have a high number of violations or complaints of hazardous moving violations in the Town.
2. Line patrol may be used on a single roadway identified as a selective enforcement problem, such as Bedford Avenue, Main Street, North Road, and Savannah Highway, where one street or highway merits an inordinate amount of traffic enforcement.
3. Directed patrol is patrol specifically directed to a particular problem, such as speeding enforcement, at times and locations determined through analysis to present a traffic accident problem or through complaints from the public. Directed patrol will be used as needed and indicated by patrol supervisors to deal with the specific problem in the most effective manner.

(Ref: CALEA 61.1.6, Item A)

B. Stationary Observation

In those areas where fixed-post observation is necessary to maximize the effectiveness of a selective enforcement effort, officers will park in a conspicuous location (overt) and in such a manner that traffic flow is not impeded. In order to avoid the appearance of a "speed trap," covert stationary observation should not be conducted in areas normally not visible from the traveled portions of the roadway.

(Ref: CALEA 61.1.6, Item B)

C. Unmarked Vehicles

The use of unmarked patrol vehicles and other unconventional vehicles for the specific purpose of traffic enforcement is prohibited unless approved by the Chief of Police. Non-uniformed officers in unmarked vehicles who witness a serious violation such as DUI will call for an on-duty, marked police unit for the traffic stop. Non-uniformed officers in unmarked cars shall make traffic stops only when the violation is serious and a marked unit is not available.

(Ref: CALEA 61.1.6, Item C)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

7.3.2

Subject

Traffic Law Enforcement Responsibility

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 61 and SC Code of Laws, Title 56 and North Police Department's Policy and Procedure Manual, Chapter 6

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I. Purpose

To establish guidelines for the enforcement of traffic laws.

II. Policy

It is the policy of the North Police Department that all sworn officers shall take appropriate enforcement action for each violation of the law witnessed or reported to them. Enforcement action does not provide the officer a privilege to scold, belittle, berate or otherwise verbally abuse a traffic violator. All enforcement actions will be accomplished in a firm, fair, impartial and courteous manner using one of the following four methods:

1. Verbal warning
2. Written warning
3. Citation (notice to appear)
4. Physical arrest

The Department places emphasis on quality traffic enforcement and not simply quantitative measures such as quotas. The goal of traffic enforcement is to reduce the incidents of hazardous driving behavior and traffic accidents in the Town of North.

III. Procedure

A. Physical Arrest. Physical arrests for traffic violations will be made for:

1. General Sessions Court offenses (failure to stop for police, etc.).
2. Driving under the influence.

3. Driving under suspension, when it can be reasonably established that the subject is under suspension.
4. For traffic violations committed while in commission of other crimes and are companion cases to criminal violations that necessitate a physical arrest.
5. Any case in which the subject cannot be properly identified.
6. Any offense that will result in the suspension of the subject's driver's license upon conviction in South Carolina pursuant to SC Code of Laws 56-25-40 as Amended.

The decision to effect a physical arrest must be based upon sound legal principles and within Department Procedure outlined in Chapter 6 of this manual, as opposed to peripheral issues such as the violator's "attitude."

(Ref: CALEA 61.1.2, Item A)

- B. Notice to Appear (Citation). The issuance of a traffic citation is applicable in the majority of cases for all traffic violators. The traffic citation should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including speeding, disregarding traffic signals/stop signs, failure to yield right of way, following too closely, driving too fast for conditions, other hazardous moving violations, and operating unsafe vehicles.
(Ref: CALEA 61.1.2, Item B)
- C. Written Warning. A written warning is a proper alternative by officers in response to a minor traffic infraction committed in those areas where traffic accident experience is minimal. Written warnings are also appropriate for those violations that occur within tolerance generally allowed by the Department. These tolerances would include speeds in excess of the legal limit but less than a speed for which a citation would result. It is also applicable to running a stop sign at a speed slower than walking at intersections where traffic accident experience is slight.
- D. Verbal Warning. A verbal warning is appropriate when the violator commits an act that may be due to ignorance of a local ordinance that may be unique or a violation of which the driver may not be aware. For example, a verbal warning is appropriate for an equipment failure (license plates not illuminated, no taillights, etc.) of which the driver was unaware.
- E. Uniform enforcement guidelines for specific traffic violations are contained in this chapter.
(Ref: CALEA 61.1.2, Item C)
- F. Information provided to motorist. It is essential that officers fully explain the rights and requirements imposed on motorists upon arrest or issuance of a citation for a traffic violation. The explanation on the reverse side of the Uniform Traffic Citation can augment the information provided by the officer.

1. Court appearance schedule. Each officer is assigned a court date each month. The officer will schedule the violator to appear in court on his/her next assigned court date, provided it is not less than ten days from the date of the issuance of the citation. The court date and time will be written on the citation. The officer will also verbally advise the motorist of the court date and time. (Ref: CALEA 61.1.4, (Item A))
2. Optional or mandatory court appearance. Certain violations, those that require a suspension upon conviction, by law, require the defendant to appear in court. There is a statement on the uniform traffic citation that is used to indicate whether the court appearance is mandatory (circle yes) or optional (circle no). The officer will circle the correct response and will also verbally advise the motorist when appearance in court is mandatory. (Ref: CALEA 61.1.4, Item B)
3. Notice to pay fine by mail or at the Clerk of Court. The reverse side of the uniform citation advises the violator of the procedure to pay the fine by mail or at the Clerk of Court's office prior to the court date. The officer will verbally advise the motorist of this procedure or will instruct the motorist to review the information on the reverse side of the citation. (Ref: CALEA 61.1.4, Item C)
4. Other information for the motorist. The officer will complete all the appropriate sections of the uniform citation to include the street address of the Municipal Court and the nature of the violation. The officer will verbally advise the motorist of the nature of the violation(s) with which the motorist has been charged. Additionally, if the motorist requests the amount of the bond for the violation and/or assessed traffic points, the officer may provide this information if the officer knows the correct information. Officers will not speculate with motorists as to what may happen in court, about possible plea negotiations or how the judge may rule or assess fines. (Ref: CALEA 61.1.4, Item D)

G. Preparation of Citations

1. Traffic citations form the basis for the prosecution of traffic offenders.
2. Specific guidelines on the preparation, processing and distribution of citations are as follows:
 - a. All citations will be neatly and legibly printed using black ink.
 - b. All spaces requiring information will be completed.
 - c. The court date will be assigned according to court guidelines and Department orders. The original (blue) copy is then served to the violator.

- d. Officers will write a statement of the facts on the rear of the enforcement (white) copy of the citation.
- e. The green copy of the citation will be forwarded to the Municipal Clerk of Court for docket scheduling. Copies must be provided to the Clerk within three business days of issuance of the summons. The yellow, pink and white copies of the summons shall be provided to the Clerk within three business days of the case being heard in Municipal Court. The Clerk will return the book with the white copy intact.
- f. The officer will issue a summons summary form when a citation is issued.
- g. The white copy of the citation will be maintained in the citation book until all citations have been issued and the copies are no longer needed for court presentation. At that time, the officer will turn the citation book with all white copies into the Record Section to be filed in numerical order.

H. Traffic Law Enforcement Practices

- 1. While on patrol, officers may use:
 - a. Area patrol - an officer patrols a specified area to detect violators.
 - b. Line patrol - an officer patrols along a particular street or highway for an extended distance to detect violators.
 - c. Directed patrol - an officer responds to a specific location as part of a directed patrol plan in response to a complaint or accident activity.
(Ref: CALEA 61.1.6, Item A)
- 2. In those areas where fixed post observation is necessary to maximize the effectiveness of a traffic enforcement effort, officers will park in a conspicuous location and in such a manner that safe traffic flow is not impeded. Officers will park in such a manner as to avoid the appearance of "hiding."
(Ref: CALEA 61.1.6, Item B)
- 3. The use of unmarked patrol cars for the specific purpose of traffic enforcement is prohibited unless approved by the Chief of Police.
(Ref: CALEA 61.1.6, Item C)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

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Subject
Traffic Stops

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 61

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I. Purpose

To govern the relationships of officers with motorists, pedestrians, courts and prosecutors and to state procedures to be followed when making traffic stops.

II. Policy

It is the policy of the North Police Department to enforce the traffic laws in a safe, effective and courteous manner through making traffic stops of violators.

Enforcement Practices - Based on the principle that the effective deterrent to traffic law violation is highly visible patrol in a distinctly marked police vehicle, and in the interest of maintaining a posture of prevention as opposed only to apprehension, traffic law enforcement activities will be conducted accordingly. Officers will drive patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior. Officers will make traffic stops in accordance with this procedure and their training so as minimize any hazard to themselves and the public.

Enforcement Actions - Officers will take appropriate enforcement action for violations of traffic law witnessed or reported to them. All enforcement actions will be accomplished in a firm, fair, impartial and courteous manner in accordance with departmental policy and procedure.

III. Procedure

A. Officer/Violator Relations

1. Traffic law enforcement is one of the routine tasks performed by patrol officers, but for the violator it is frequently an emotional experience. Officers will be aware of these conditions, should strive to make each contact educational, and leave the violator with the impression that the officer has performed a necessary task in a professional and courteous manner.

2. Traffic stops have two objectives that the officer seeks to achieve. The first objective is to take appropriate enforcement action and the second is to favorably alter the violator's future driving behavior. This requires an understanding of human relations and demands flexibility of the officer. The following procedures are recommended to minimize conflict that may arise between the officer and the violator and assist in achieving these two objectives.

B. Traffic Stops

1. No two traffic stops are exactly alike. This procedure is a guide as to how to conduct stops of traffic law violators. Officers will act in a courteous and prudent manner as dictated by the circumstances of the particular stop.
2. Procedure for officers to initiate a traffic stop:
 - a. Choose the stop location carefully, avoiding, when possible, curves, hillcrests and intersections. Consider stop locations where adequate cover is available should its use become necessary.
 - b. Inform the dispatcher of the impending traffic stop and vehicle license number (include state and year) or if there is no tag, provide a vehicle and occupant description and stop location prior to initiating the contact.
 - c. Activate emergency lights - use horn, then siren if needed - to alert the driver to stop.
 - d. Position the patrol car about 15 feet behind the stopped vehicle and offset to the left about three feet into the traffic lane. Leave the engine running, and the driver's door unlocked. Consider who may be in the immediate area of the patrol car when leaving it unlocked. If a suspect jumps and runs, the officer will switch the patrol car off and take the keys prior to leaving the immediate area of the patrol car.
 - e. Before alighting from the patrol car, observe the occupant(s) in the stopped vehicle for about 10-15 seconds for unusual movements.
 - f. Officers must also be alert to the hazards posed by other moving traffic when exiting and approaching a stopped vehicle.
 - g. At night, headlights, spotlight, and/or the takedown lights will be used to conceal the officer's movements from the violator and for visibility inside the stopped vehicle.

- h. If the violator gets out of the car, he/she may be ordered back inside, and the officer should be prepared to take evasive action should the violator continue to advance and present a threat.
 - i. The officer will consider weapon readiness on every stop.
 - j. While approaching, watch occupant(s), check for altered license plates, check trunk to see that it is closed and locked, and observe the interior for possible weapons or hidden passengers. At night, officers should avoid passing between the lights of the patrol car and the violator's vehicle.
 - k. The officer should stand beside the vehicle as closely as possible, and to the rear of the trailing edge of the driver's door. Be watchful of any passenger(s).
 - l. The officer will maintain a constant view of the violator's hands. The officer should have the violator reach outside the window to hand the license and the registration to him/her. The officer should take the driver's license or other identification with his/her non-gun hand. The officer should keep the citation book in the non-gun hand. At night the officer will keep the flashlight in the non-gun hand. (Ref: CALEA 61.1.7)
3. Once the officer has stopped the violator and approached to a point where communication can begin, then officer/violator relations are activated. The officer will:
- a. Be alert at all times for the unexpected, but not appear to be obviously apprehensive.
 - b. Be certain that the observations of the violation were accurate without reservation on the part of the officer.
 - c. Present a professional image in dress, grooming, language, bearing, and emotional stability.
 - d. Be prepared for the contact by having the necessary forms, if they are to be used, immediately available.
 - e. Decide on the appropriate enforcement action based upon the violation, not the violator's attitude. In most cases it is advisable to have the form of enforcement action decided prior to the initial contact with the violator.
 - f. Greet the violator with his/her appropriate title (Mr., Mrs. or Miss) and in a courteous manner.

- g. Inform the violator of the traffic law he/she has violated and the intended enforcement action; the violator should not be kept in suspense about the action to be taken.
 - h. Ask for and accept the violator's driver's license and registration, if needed.
 - i. If the driver wants to retrieve items from the console or glove compartment the officer must be vigilant.
 - j. Obtain another document of identification if the driver has no driver's license.
 - k. Allow the driver to reasonably discuss the violation.
 - l. The officer may ask the driver to step to the rear of the vehicle to talk to the driver or he/she may allow the driver to remain in the vehicle while the officer goes to the rear of the suspect vehicle or to the patrol car to write the citation.
 - m. The officer may check the vehicle driver through the computer for license status, driving record and wants or warrants.
 - n. The officer will write the citation in such a position where the officer's eye movement will permit observation of the vehicle, driver and other occupant(s).
 - o. The officer will complete the forms required of the enforcement action taken or exercise a verbal warning. (Ref: CALEA 61.1.8)
4. Procedure for re-contact with the driver:
- a. When returning to the stopped vehicle to issue the citation, the officer will observe again for changes within the vehicle.
 - b. The officer will return the violator's driver's license, registration, and the violator's copy of the warning or citation.
 - c. The officer will explain to the driver exactly what he/she is supposed to do in response to the action taken.
 - d. The officer will make sure the violator knows when and where to appear for court and if the citation requires a mandatory court appearance. Explain any alternatives to the violator, but do not predict the actions of the court. A written explanation of the motorist's responsibilities is printed on the reverse side of the violator's copy of the citation. The officer will explain how the violator may post a bond, by mail or at the Clerk of Court's office, in lieu of his/her appearance in court, except when a court appearance is mandatory by law.

- e. The officer will be alert for any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.
- f. The officer will allow the stopped vehicle to re-enter traffic first. The officer will assist the violator in safely re-entering the traffic flow.
- g. The officer will turn off the emergency lights and auxiliary lights before re-entering traffic. (Ref: CALEA 61.1.8)

C. High-Risk Traffic Stops

- 1. A high-risk traffic stop will be conducted when an officer is confronted with stopping a suspected armed subject, violent criminal, fleeing suspect, etc. where the officer reasonably believes a higher level of protection is needed.
- 2. The following procedure will be used to make a high-risk traffic stop.
 - a. Choose the stop location carefully to avoid curves, hillcrests, intersections and poorly lit areas, when possible. Consider locations where adequate cover is available.
 - b. Inform the dispatcher of the vehicle license number and state, direction of travel and stop location prior to initiating the contact. If no license number is available, the officer will provide a description of the vehicle and occupant(s).
 - c. Request back-up unit(s) and, when possible, wait for the arrival of back-up unit(s) prior to initiating the contact.
 - d. Activate the emergency lights and siren to alert the driver to stop.
 - e. Position the patrol car about 25 feet behind the stopped vehicle. If the officer is the only occupant, the vehicle should be positioned at a 45-degree angle to the left to provide cover for the officer. If two officers are in the vehicle, the patrol car will be stopped 25 feet to the rear and directly in line with the suspect vehicle.
 - f. The first backup unit to arrive will position itself to the right of the stopping patrol car, if possible. The second backup unit will position itself to the left of the stopping patrol car, if possible. Officers must not place themselves in the line of fire of other officers.

- g. The officer/driver of the patrol car that initiated the stop will give all commands to the occupant(s) of the stopped vehicle.
- h. Officers will position themselves in the apex of the patrol car doors, staying low for cover, with weapons drawn and positioned at the occupant(s) of the stopped vehicle.
- i. At night, all police vehicles will aim their spotlights at the stopped vehicle.
- j. The stopping officer/driver will verbally give the following challenge and orders to the occupant(s) of the stopped vehicle:
 - (1) "Don't move! This is the North Police Department. You are under arrest for _____. You are considered armed and dangerous. Any action you take, not ordered, may be considered an act of aggression."

"You will do nothing until the command 'Do it now!' is given and then you will do it slowly. You will cease all movement on the command 'Halt!' Do you understand?"
 - (2) "Extend your hands outside the window, palms facing officers, fingers spread."
 - (3) "Driver, put the transmission in park and turn off the car." (at night) "Turn off the headlights and turn on the dome light."
 - (4) "Hold the car keys in your right hand out of the window. Drop the keys away from the car."
- k. The following procedure will be used to extract occupants from the vehicle:
 - (1) Extract one occupant at a time.
 - (2) Order suspect(s) out the door or side that can best be covered by officers.
 - (3) Order suspect(s) to hold hands high, palms facing officers and fingers spread, not hands on head with fingers interlaced.
 - (4) Order suspects to kick the door closed immediately after exiting.
 - (5) Order suspect to step away from the vehicle and halt.

- (6) Order suspect to turn around slowly in a full circle while the officer makes a visual check for weapons. Order the suspect to slowly raise the shirt or jacket above the head while turning.
- (7) At night, order suspect(s) to face headlights of patrol car(s) to destroy suspect's night vision.
- (8) Order suspect to "step to your left until I tell you to stop!"
- (9) Order suspect to back toward the sound of the officer's voice. The officer will remain behind cover. The officer can count to give the suspect direction and can establish speed through cadence.

l. The following procedure will be used to control suspects:

- (1) One cover officer assists the contact officer. All other cover officers maintain target acquisition on other known locations of suspects (their vehicle) or their last known location (where they ran).
- (2) Contact officer places suspect in a disadvantageous position - kneeling or prone.
- (3) With the contact officer in a position of cover and maintaining target acquisition on the suspect, a cover officer advances to a position of triangulation.
- (4) With the cover officer now providing target acquisition, the contact officer handcuffs, searches and secures the suspect.

m. The following procedure will be used to clear the suspect vehicle:

- (1) After all known suspects have been extracted, challenge again.

"You in the vehicle, come out of the _____ door with hands high. Do it now."
- (2) Continue to challenge the suspect to act as a distracter and to mask the sounds of the approaching forward observer (contact officer).
- (3) The forward observer should first seek to clear the suspect vehicle from an elevated position.

- (4) The forward observer will then approach the engine block of the suspect vehicle.
- (5) The forward observer will then quietly conduct quick peek checks of the interior of the suspect vehicle without using a flashlight or touching the vehicle.
- (6) The forward observer then covers the trunk of the suspect's vehicle from a position forward of the trunk hinge.
- (7) The contact officer then approaches the vehicle with the keys, unless an electric trunk release is available, and:
 - (a) The contact officer approaches the same side of the suspect's vehicle as the forward observer.
 - (b) The contact officer gets down below the bumper.
 - (c) The contact officer opens the trunk, and
 - (d) Rolls back in the direction of the cover officer.
- (8) The cover officer (forward observer) clears the trunk in two moves:
 - (a) The first move clears the main portion of the trunk
 - (b) The second move clears the trunk area behind the seat.

n. If a suspect is located the following procedure will be used:

- (1) The forward observer should not attempt to engage the suspect unless the suspect attempts to engage the officer(s).
- (2) The forward observer should first seek cover.
- (3) The forward observer then communicates the location of the suspect he/she has observed to the other officers.
- (4) The cover officer(s) then challenges the remaining suspect(s) to come out.

- o. Once all suspects and the suspect vehicle are secured, the officer(s) will notify the Communications Center that the scene is secure and the suspects are in custody. (Ref: CALEA 61.1.7)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
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Subject
Traffic Direction and Control

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April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 61

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I. Purpose

To specify procedures for activities involving the movement and control of vehicles and pedestrians.

II. Policy

It is the policy of the North Police Department to direct and control in an effective and safe manner.

III. Procedure

A. Traffic Control at Accident Scenes

1. If it is safe to do so, the officer may park the police vehicle in the affected lane(s) of traffic, with the blue lights activated, to warn traffic.
2. The officer should attempt to remove vehicles from the roadway as soon as possible. If the vehicle(s) are inoperable, tow trucks should be called immediately.
3. If the vehicle(s) cannot be removed, then manual traffic control must be initiated to expedite the safe flow of traffic.
4. The officer may perform manual traffic control or may request additional officer(s) to perform traffic control duties while he/she investigates the accident.
5. Officers will assist other responding emergency and support vehicles such as ambulances, fire trucks and tow trucks to safely reach the scene.

6. Officers must be aware that passersby will often be more intent on looking at the accident scene rather than the directions given by the officers.
7. Manual traffic control will be continued until the roadway is cleared.
(Ref: CALEA 61.3.2, Item A)

B. Uniform Hand Signals and Gestures for Manual Traffic Direction and Control

1. Manual direction of traffic by officers will be handled in a manner that would enable drivers and pedestrians to recognize and respond to verbal and gestured motions.
 - a. To Stop Traffic: An officer extends his arm outward with the palm facing toward the car to be stopped. The officer may use verbal and/or whistle commands to enhance the physical gesture.
 - b. To Start Traffic: Start from the stop position, the arm will be moved at the elbow in a manner to indicate that the traffic may now proceed. This is done by swinging the arm upwards (from the elbow down) toward the direction in which traffic is to flow.
 - c. Right Turns: The officer shall gesture to the driver of a vehicle turning right to perform the turn by extending the arm toward the direction in which the turn is to be made.
 - d. Left Turns: These turns are to be made only when there is a gap in traffic or oncoming traffic is completely stopped. The officer will point in the direction of the turn when such movement can be made safely.
2. Officers will use flashlights with the traffic wand and/or light sticks while manually directing traffic during the hours of darkness or under conditions of limited visibility due to light or weather conditions.
3. Whistle Commands

The police whistle may be used to supplement hand signals and gestures when directing traffic. The whistle should be used only when necessary, and if traffic is not responding to hand signals. The following signals will be used:

- a. To Stop Traffic: One long blast.
- b. To Start Traffic: Three short blasts.
- c. To Get Attention: Several rapid, short blasts.

4. Officers will give pedestrians first priority when directing traffic. Officers will make certain that all opposing traffic is stopped prior to motioning pedestrians or vehicles to enter the street. Extra caution must be used on four lane roads and during poor weather and/or limited visibility conditions.
5. Officers will remain calm and professional whenever directing traffic. There are times when drivers and pedestrians do not understand officers or may refuse to obey such directions. The officer will handle these instances with courtesy and professionalism within the guidelines of accepted procedures.

(Ref: CALEA 61.3.2, Item B)

C. Reflective Outerwear

All patrol vehicles will have a high visibility vest stored in the vehicle. As a general policy, this vest will be used whenever an officer is manually directing traffic so as to increase visibility. The yellow raincoat may be worn in lieu of the vest.

(Ref: CALEA 61.3.2, Item G)

D. Traffic Signal Boxes

1. Officers may manually operate a traffic signal whenever the signal is malfunctioning to assist in alleviating any traffic problems. The officer may place the unit in the "flash" mode if this will not cause undue problems and notify the dispatcher so the problem can be brought to the attention of the SC Department of Transportation.
2. Each officer will receive familiarization training on the use of manual controls. The training will be done by the officer's supervisor. Supervisors will receive this training (if needed) from personnel familiar with traffic control devices such as the SC Department of Transportation.

(Ref: CALEA 61.3.2, Item E)

E. Temporary Traffic Control Devices

As a general policy, temporary traffic control devices will be used only in pre-scheduled special events or road construction projects. The devices will normally be placed and removed by the SC Department of Transportation with the Town Public Services Department and Police Department coordinating placement of such devices. Traffic cones, barricades, portable, temporary stop signs and other signs may be used. These would include special events, accidents, natural disaster, etc. (Ref: CALEA 61.3.2, Item F)

F. Special Events

1. Special events are any activities that may involve large amounts of vehicular and/or pedestrian traffic. These may include festivals, parades, picketing, demonstrations and road maintenance. Officers will assist in control of movement in the area to ensure there are no unusual problems.
2. The Chief's designee will assist in planning for any special event that would require officers to control traffic.
 - a. By assisting the Police Chief, Fire Department, EMS and other departments in coordinating the traffic movement based on anticipated attendance, location and time.
 - b. The route will be carefully planned to allow for normal and emergency activities to continue with a minimal amount of disruption.
 - c. Side streets and congested traffic areas will be used to their maximum potential by eliminating parking to assist in a smooth flow of traffic. Officers may be assigned key areas to assist with this function.
 - d. Emergency services (fire, police, EMS) will be provided unrestricted access from at least one direction.
3. The Police Department will provide for crowd control by the use of foot patrol and/or officers in vehicles. These officers may be at a stationary post or mobile.
4. Information will be provided to the media at the earliest possible time addressing changes or alterations of the event, parking, etc.
5. The Police Department will be provided a pass system or a list of authorized personnel permitted to cross police lines. These may include press, promoters, vendors or VIPs.
6. Officers will be allotted adequate breaks during the course of the event.
7. Where private security services are to be provided, the Police Department will review and determine the adequacy of these services to ensure that they meet accepted standards.

G. Fire Scenes

1. Officers on the scene of fires will assess the hazards present and take action to minimize further damage to property or life. These may include directing traffic and/or evacuating the immediate area.

2. The officer(s) will assist the Fire Department in making sure the scene is clear for emergency vehicles to enter, but restrict entry to unauthorized vehicular or pedestrian traffic.
3. Officers will provide perimeter services to allow unrestricted access to the scene by fire and emergency vehicles and personnel.
4. The Police Department will work with the Fire Department to handle emergency scenes and to develop and implement plans and procedures for such scenes.
5. All authorized volunteers arriving on the scene in private vehicles will be allowed to park at the edge of the police perimeter, but not near the actual emergency scene unless conditions so permit or necessitate.
(Ref: CALEA 61.3.2, Item C)

H. Adverse Weather and Road Conditions

1. Adverse road conditions may arise out of many situations. These include accidental hazards such as downed power lines and debris or natural causes such as fog, ice and snow.
2. Officers will be cognizant of changing weather conditions so emergency measures can be taken if warranted. This includes notifying DOT crews to salt and/or snow plow highways and/or notifying utility crews. An officer will notify a supervisor of such problems so a determination can be made to notify the appropriate agency.
3. An officer may be used to provide on-scene traffic direction if warranted.
(Ref: CALEA 61.3.2, Item D)

I. Escort Assistance

1. Escort assistance may be provided in situations where such services would be advantageous to traffic control and direction. Coordination with outside agencies will determine the extent of such participation. It may include but is not limited to emergency vehicles, public officials and dignitaries, funerals and oversize loads.
2. Emergency Escorts
 - a. Officers will not initiate emergency escorts without first notifying the dispatcher and receiving approval from a supervisor.
 - b. Emergency vehicles, particularly ambulances, will not be escorted by officers except under special circumstances approved by a supervisor. Two emergency vehicles traveling together more than double the hazard to traffic. One exception

would be to escort an emergency vehicle to a hospital when the driver of the emergency vehicle is not familiar with the location of the hospital. Another exception would be when the emergency equipment on the vehicle needing to be escorted is malfunctioning.

- c. No emergency escort will be provided unless the officer receiving the request has reasonable grounds to believe a very real emergency exists. If such an emergency exists, the patient will be transferred to an ambulance. The officer will not escort any civilian vehicle on an emergency run. The driver of the civilian vehicle will be directed to proceed to the emergency medical facility at normal speed and in compliance with all traffic regulations. Vehicles carrying emergency supplies such as blood will have the supplies transferred to a marked patrol vehicle, unless the transporting vehicle is equipped with emergency equipment.

(Ref: CALEA 61.3.3, Item B)

3. Scheduled Escorts

- a. Legitimate requests for scheduled law enforcement escort services include, but are not necessarily limited to, those associated with funerals, motorcades and other traffic escorts of public officials and dignitaries, oversize vehicles, buildings being moved, and vehicles with hazardous or unusual cargo.

The Department will honor all such requests unless otherwise stated by the Chief of Police.

- b. When the Department elects to honor a request for scheduled escort service, the trip route will be established in advance, as will the maximum speed (not to exceed the established speed limit) to be maintained along each segment of the route.
- c. Point traffic control will be established, as appropriate, at locations along the scheduled route sufficient to ensure safe passage.
- d. Tactical control of the escort will be assigned to a specific supervisor or officer in accordance with the complexity of the escort services being provided. The tactical controller will set the pace of the escort in accordance with prevailing conditions, and under no circumstances exceeding the pre-specified maximum speed for any segment of the route. The tactical controller will terminate the escort and resume normal vehicular operation when, in his/her opinion, conditions are such that continuation of the escort would constitute unacceptable risk to

the public. The tactical controller will not lead any escort into an intersection until all other traffic has yielded the right of way to the procession. The tactical controller's primary responsibility is the safety of all motorists and pedestrians during the escort.

- e. The tactical controller will use a marked police vehicle to lead the procession.
- f. The emergency lights will be activated on all police vehicles throughout any escort. The officer will use the siren as necessary to adequately warn other motorists and pedestrians.
- g. House-movers must have a permit from the Town of North. It is the mover's responsibility to coordinate the move with the utility companies.

(Ref: CALEA 61.3.3, Item A)

J. Activities Relating to Traffic Engineering

- 1. All complaints or suggestions from the public or officers regarding traffic-engineering deficiencies will be forwarded to the Chief of Police. The Chief will review the complaint or suggestion and initiate any investigation that may be deemed necessary. Upon completion of the investigation the Chief will decide whether a written report should be forwarded to the District Engineer of the SC Department of Transportation. The Chief will maintain a file of all such correspondence. (Ref: CALEA 61.3.1, Item A)
- 2. The Staff Assistant will forward copies of all traffic accident reports and the enforcement data included therein to the SC Department of Transportation on a weekly basis. (Ref: CALEA 61.3.1, Item B)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
7.6.1

Subject
Traffic Checkpoints

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 61

Distribution
All Personnel

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Pages
4

I. Purpose

To provide procedures and guidelines for the proper use of traffic checkpoints.

II. Policy

It is the policy of the North Police Department to safely and legally conduct traffic checkpoints as a means to promote traffic safety and/or target specific criminal activity. Officers will take appropriate action to control traffic in situations where a lack of traffic control might compromise the safety of pedestrians and drivers.

III. Procedure

A. Checkpoint Approval

1. The Chief of Police or his designee must approve the use of all checkpoints before implementation.
2. The "fixed roadblock" checkpoint is the only authorized checkpoint method for use by this agency.
3. All checkpoints must be organized and managed by a supervisor. For purposes of this section, a supervisor is a commissioned Department officer, holding at least the rank of Sergeant. The supervisor will be designated as the on-site supervisor. The checkpoint supervisor is responsible for planning and operating the checkpoint in compliance with this procedure. The supervisor will brief all involved personnel on how to properly conduct the checkpoint. The supervisor is responsible for properly training officers who participate in checkpoints.

B. Uses

Traffic checkpoints will be used only in the following circumstances:

1. Driver's license/vehicle registration/occupant restraint checks.
2. Driver sobriety checks.
3. Participation in established traffic safety awareness programs; i.e. Thank You Tickets, OPSTEP, America Buckles Up, Sober or Slammer, etc.
4. Search for criminal suspects in a selected area.

Checkpoints/roadblocks shall not intentionally be used as a means to stop fleeing vehicles or as a means for use of force against a person or vehicle.

All searches and seizures of vehicles, persons, or containers will be based on the legal premise of plain view, valid consent, and/or probable cause. Officers will comply with all applicable laws and court decisions at all times.

C. Traffic Checkpoint Operation

1. Staffing

A minimum of four officers, including the on-site supervisor, must be present at the checkpoint. At least two officers must be in uniform. The uniform includes the reflective vest or high visibility raincoat. All other officers must be readily identifiable as police officers and wear the reflective vest or high visibility raincoats. The on-site supervisor will not participate in the actual stopping of vehicles. The on-site supervisor will ensure the safe and orderly execution of the checkpoint.

2. Location

The location of the checkpoint must allow approaching motorists to clearly see and have ample time for safe stopping distances. It must not be set up in a curve, over the crest of a hill or other dangerous location. The traffic flow must not be allowed to backup to the extent that it becomes a hazard. More officers and additional precautions are required when setting up a checkpoint on a four-lane road or at a four-way intersection. The site must include adequate space on the roadside to move vehicles that may be cited, where an arrest is to be made, or further investigation is required. If the checkpoint is set up at night, there must be adequate lighting either from streetlights or lighting from an alternative source.

3. Arrangement

Directional signs that indicate a traffic checkpoint is ahead will be placed at a distance to allow motorists to have advance warning of the checkpoint. Traffic cones or reflectors will be placed along the centerline of the roadway and other locations to assure the orderly and safe flow of vehicular traffic through the checkpoint, and to provide a measure of protection for the officers conducting the checkpoint. At least one marked patrol vehicle will be located on the side of the highway where the checkpoint and officers are located. The vehicle(s) will use blue lights and/or other emergency equipment to warn approaching motorists. Officers will use discretion in the use of lights that may “blind” or otherwise impair clear, unobstructed vision of approaching motorists.

4. Roving Vehicle(s)

The supervisor may designate one or more uniform officers to remain outside the checkpoint area to stop motorist who turn in an attempt to evade the checkpoint or who fail to stop at the checkpoint.

D. Enforcement

Officers will take appropriate enforcement action, consistent with Department procedures and state law, for any violation detected at the checkpoint.

(Ref: CALEA 61.3.4)

E. Reporting Requirements

The on-site supervisor will submit a checkpoint report to the Chief or his designee on the following business day after the checkpoint is conducted. The report will include the following:

1. The exact location of the checkpoint.
2. The beginning and ending date and time of the checkpoint.
3. The name and rank of the on-site supervisor.
4. The name, rank and department of all officers participating in the checkpoint.
5. The actual number of vehicles passing through the checkpoint.

6. The total number and type of traffic summons or warnings issued during the checkpoint.
7. The total number of arrests made during the checkpoint.
8. The total number of vehicles towed during the checkpoint.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

7.7.1

Subject

Traffic Ancillary Services

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 61

Distribution

All Personnel

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7

I. Purpose

To provide standard services in those areas having an indirect effect on traffic flow and responses to citizen-generated requests for assistance.

To identify, report, and correct roadway and roadside hazards.

II. Policy

It is the policy of the North Police Department to provide reasonable assistance to motorists in the Town of North.

III. Procedure

A. General Assistance to Motorists

1. Because of the overall danger to the stranded motorist, and also to the motorist on the roadway potentially affected by the stranded motorist, the Department will offer reasonable assistance at all times to motorists who appear to be in need of aid. This will apply at all hours of the day, but particularly during the nighttime hours when the hazards are greater.
2. Officers should be constantly alert for roadway users who appear to need assistance. Officers should freely provide information and directions upon request. In an effort to better serve the citizens, officers should not only become familiar with the streets and services of the Town of North, but also the various services and facilities available in the area.
(Ref: CALEA 61.4.1, Item A)

B. Stranded Motorists

1. Officers have a responsibility to assist stranded motorists and for the removal of a disabled vehicle from a traveled highway to prevent further traffic problems and/or to diminish the possibility of a serious collision. At the discretion of the officer, he/she may assist by physically pushing the vehicle from the highway. Officers may also use their vehicles to "jump start" other vehicles, when time permits and this action can be done safely. The officer must first turn off all electronic equipment in the police vehicle. The officer will remove the battery caps from both batteries, if they are so equipped. The officer will wear eye protection when attaching cables to batteries. Officers so equipped may also assist motorists with lock-outs by use of the slim-jim device. The motorist must first sign the waiver form before the officer attempts to jump-start or unlock a vehicle. Officers will assist motorists at any location within the Town limits, to include streets, parking lots, businesses and residences. Officers may assist a stranded motorist outside the Town limits upon approval of a supervisor. Priority will be given to those requests that come during the nighttime and those involving elderly persons, sick persons, young children, pets locked in vehicles during extreme heat, vehicles with engine running, etc. Officers will ascertain that the person they are assisting is the vehicle owner or is otherwise legally in possession of the vehicle.
2. Officers may, at their discretion, transport stranded motorists to the nearest convenient location where assistance may be obtained; however, officers should be certain that assistance is available. The officer will radio the dispatcher to provide the starting and ending mileage as well as the destination.
3. Stranded motorists will not be abandoned when exposed to a hazardous situation. Consideration should be given to traffic hazards, location, time of day, weather conditions, age and physical condition of the parties involved and priority of calls for service. This does not preclude placing devices to warn oncoming traffic and clearing the scene if conditions are such that this can be done safely. Officers will then periodically check to ensure the condition does not deteriorate.
4. Officers who assist stranded motorists should remain alert to the following possibilities: the vehicle in the possession of the motorist has not been authorized for his/her use; the vehicle is in unsafe operating condition; the motorist is unlicensed to drive; the motorist is incapable of safely operating the vehicle; and/or the vehicle's occupants have engaged in criminal activity. (Ref: CALEA 61.4.1, Item C)
5. Officers will respond to lock-out situations of business and residential buildings. In non-emergency situations, the officer may assist the person by attempting to locate an unsecured door, window or other point of entry. If this fails the officer will recommend that the person contact a locksmith of his or her own choice. In emergency situations involving a

probable or unknown sick or injured person, young child or infant, possible fire, gas leak, criminal act threatening the safety of another, etc., the officer is authorized to use the minimum and safest force necessary to enter the location in order to protect the safety or health of another person. When possible, permission should be given by the property owner or manager. A supervisor must be notified that a forcible entry has been made and an Incident Report is required. If the officer is unsure as to what action should be taken, the supervisor will be notified. Officers will ascertain that the complainant is actually the property owner or is otherwise legally responsible for the property.

C. Mechanical Assistance and Towing Service

1. Officers may provide assistance to motorists in obtaining tow services or mechanical assistance, if needed, by calling for a specified wrecker of the motorist's choice or by calling for a rotation wrecker from the Department rotation list.
2. Officers may also assist by allowing the motorist to use the cellular phone to call for assistance or requesting the dispatcher to call someone on the motorist's behalf or to contact an AAA Motor Club service provider.

(Ref: CALEA 61.4.1, Item B)

D. Emergency Assistance

1. Officers will render all practical assistance to users of the roadway who are involved in emergency situations.
2. Vehicle Fires - Officers will immediately advise the dispatcher upon discovery of a vehicle fire. The location, type of vehicle, location of fire, and cargo (if applicable) will be given to the dispatcher. The dispatcher will notify the Fire Department of these facts so that an appropriate Fire Department response can be made.
3. Medical Emergencies
 - a. Notification - Upon discovery of a medical emergency, the officer will request an EMS unit. When requesting an EMS unit, the following information will be given to the dispatcher: type of emergency, location, condition of patient, and any other information available regarding the emergency.
 - b. Assistance - After notifying the dispatcher of the nature of the emergency, officers will render as much first aid assistance as the officer is trained to perform. (Ref: CALEA 61.4.1, Item D)

E. Hazardous Roadway Conditions

1. Hazardous highway and/or environmental conditions are defined as:
 - a. Defects in the roadway itself (holes, ruts, or dangerous shoulders).
 - b. Lack of, or defects in, highway safety features (e.g., center and roadside striping and reflectors) or improper, damaged, destroyed or visually obstructed traffic control and information signs.
 - c. Lack of traffic control and information signs (curve and hill warnings, stop and yield signs, speed limit signs, street and highway identification), or improper, damaged, destroyed, or visually obstructed control or information signs.
 - d. Lack of mechanical traffic control devices or improperly located or malfunctioning traffic control devices.
 - e. Lack of roadway lighting systems or defective lighting systems.
 - f. Natural or man-caused obstructions (fallen trees and rocks, litter, debris, parts of vehicles, broken water mains and electrical wires).
 - g. Water, ice or heavy snow accumulations on roadway surfaces.
 - h. Fire and its attendant smoke in areas adjacent to the highway.
 - i. Vehicles parked or abandoned on or near the highway.
2. The term "roadside hazard" will refer to all physical features of the roadside environment that are such that a vehicle leaving the road surface for any reason, even momentarily, can impact with them, resulting in unnecessary injury to people or damaged property. Roadside hazards included in the definition are:
 - a. Rigid non-yielding supports for traffic control devices and lights, or the non-performance of safety installations (i.e., break away sign supports that fail to function properly).
 - b. Improperly engineered guard rails.
 - c. Unshielded bridge railings that may not be able to retain an impacting vehicle and redirect it parallel to the roadway, thereby minimizing damage to the vehicle and danger to traffic below the bridge.

- d. Bridge abutments and other hazardous fixed objects built off the roadway, and into which the vehicle might crash with high injury probability.
 - e. Utility poles, trees, ditches, inappropriately steep banks, culverts, rock formations, and other fixed objects and features of the roadside environment into which a vehicle might crash instead of being able to come to a stop in a clear distance.
3. The following procedure will be followed in identifying, reporting and correcting hazardous roadway, roadside, or environmental conditions.
- a. When a hazard is identified and in the officer's opinion such hazard requires immediate correction (such as a fallen tree or electrical wire across or on any part of the traveled portion of this situation), he/she will immediately inform Dispatch of this situation and identify the assistance or special equipment required. The officer will protect the scene and bystanders, and direct traffic or take any other action deemed necessary to correct the situation.
 - b. When a hazard is detected that represents a potential accident situation but the threat of such is not imminent, as in the case of a discarded muffler in the highway, and the officer can correct the situation, the officer will take appropriate action.
- (Ref: CALEA 61.4.2)

F. Radioactive and Hazardous Materials

1. Background

- a. A hazardous material is defined as follows: Any element, compound, or combination thereof that is flammable, corrosive, explosive, toxic, radioactive, an oxidizer, or is highly reactive and which, because of handling, storing, processing, and packaging may have detrimental effects upon operating and emergency personnel, the public, equipment, and/or the environment.
- b. Radioactive materials are in current use in hospitals, research laboratories, and numerous industrial and military applications, and are transported throughout the state by truck, rail, air and water borne transportation.
- c. In addition, numerous hazardous materials are transported throughout the state every day. While many of these are in common use, accidents or spills present a serious threat to the health and safety of the general public, especially the officer who happens to be first on the scene.

- d. Many accidents and other emergencies involve more than one agency and require a cooperative emergency response. It is of extreme importance for all officers to be aware of what actions they should take during hazardous material emergencies.

2. Procedure

a. Radioactive Material

- (1) Complete information concerning the incident will be forwarded to the dispatcher by the quickest means available. This information will include:
 - (a) Basic description (explosion, fire, etc.)
 - (b) Exact location
 - (c) If possible, all information contained on the Interstate Commerce Commission (ICC) label or labels.
- (2) Upon being notified of any actual incident, Dispatch will notify the North Fire Department and SC Department of Health and Environmental Control.

b. Atomic Weapons

When it is believed that an accident or incident has occurred involving an atomic weapon (or weapon component) or radioactive material that can be identified with a military service, Dispatch will, in addition to the notification specified in Section (2) above, request assistance from appropriate military headquarters.

c. Hazardous Materials

First, and most important, is the identification of shipments considered hazardous. This is usually accomplished directly or indirectly by descriptive data in shipping documents, on containers, package labels, and vehicle placards. If this information is not readily obtainable due to an incapacitated driver, destruction of a bill of lading or other shipping papers, Dispatch or the officer will immediately contact the Chemical Transportation Emergency Center (CHEMTREC) at 800-424-9300. CHEMTREC provides technical expertise in handling hazardous material emergencies. They can also provide additional phone numbers for emergencies such as accidental poisoning. When in doubt, the dispatcher should immediately contact CHEMTREC. Basic information needed follows:

- (1) Name of caller and call-back number
 - (2) Location of problem
 - (3) Shipper or manufacturer
 - (4) Container type
 - (5) Rail car or truck number
 - (6) Carrier name
 - (7) Consignee
 - (8) Local conditions
- d. In the case of hazardous material incidents, officers will isolate the hazard area, avoid exposure to the material, establish a safe perimeter, evacuate non-essential personnel, and make preliminary hazard identification (spill, leak, fire, etc).
 - e. The North Fire Department will be notified to aid in any such matter.
 - f. The patrol supervisor or the Chief of Police will be notified.
 - g. The SC Department of Health and Environmental Control will be notified.

G. Educational Materials

Educational materials on traffic safety will be made available to the public in the lobby of the North Town Hall or Police Department and at appropriate safety programs sponsored by the Police Department. (Ref: CALEA 61.4.4)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
7.8.1

Subject
**Traffic Violations Involving Non-Resident
Violators, Juveniles, Legislators, Diplomatic
Immunity Officials and Military Personnel**

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies

**CALEA Chapter 61, U.S. Law (22 U.S.C. 252) and North Police
Department's Policy and Procedure Manual, Chapter 6**

Distribution
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I. Purpose

To establish procedures for handling traffic law violations by non-residents, juveniles, State and Federal legislators, foreign diplomats, consular officials, and U.S. Military personnel.

II. Policy

It shall be the policy of this Department to take the actions necessary to enforce the traffic laws of the Town of North and State of South Carolina. In circumstances where traditional methods of enforcement are not permitted by special circumstances, other alternatives to arrest and citation will be pursued.

III. Procedure

A. Nonresidents

Residents of states belonging to the Non-Residents Violators Compact (NRVC), which is almost all states in the country, and those who are not from NRVC states will be issued a citation and be released unless it is an offense that requires an arrest as stated in Chapter 6 of this manual. Physical arrests for traffic violations will be made for:

1. General Sessions Court offenses (failure to stop for police, etc.).
2. Driving under the influence.
3. Driving under suspension, when it can be reasonably established that the subject is under suspension.

4. For traffic violations committed while in commission of other crimes and are companion cases to criminal violations that necessitate a physical arrest.
5. Any case in which the subject cannot be properly identified.
(Ref: CALEA 61.1.3, Item A)

B. Juveniles

1. Generally, juveniles who have committed a traffic violation will not be taken into custody but will be issued a traffic citation with the following exceptions:
 - a. General Sessions Court offenses (failure to stop for police, etc.).
 - b. Driving under the influence.
 - c. Driving under suspension, when it can be reasonably established that the subject is under suspension.
 - d. Driving with no driver's license.
 - e. For traffic cases committed while in commission of other crimes and are companion cases to criminal cases that necessitate taking the subject into custody.
 - f. Any case in which the juvenile cannot be properly identified.
2. In all cases where a juvenile is taken into custody, the officer is responsible for notifying the juvenile's parent or guardian of the custodial situation as soon as practicable and releasing the juvenile to the parent or guardian.
3. If the officer deems that further custody is required pending a hearing, he/she must contact the supervisor for authorization. All juvenile custodial situations will be handled in accordance with the provisions of the procedure for "Juvenile Operations" in Chapter 6 of this manual.
(Ref: CALEA 61.1.3, Item B)

C. United States Congressmen/State Legislators

1. Members of the United States Congress will, in all cases except treason, felony and breach of the peace, be immune from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house; they will not be questioned in any other place.

2. Members of the State Legislature have the same immunity granted to members of Congress. The state law precludes them from arrest while attending, going to or returning from a session of the legislature.
3. Nothing precludes an officer from issuing a legislator a citation for any traffic violation and releasing them. (Ref: CALEA 61.1.3, Item C)

D. Foreign Diplomats/Consular Officials

1. Diplomatic and consular officers will be accorded their respective privileges, rights, and immunities as directed by international law and Federal statutes. These officials will be treated with the courtesy and respect that befit their distinguished positions. At the same time, it is the duty of all persons enjoying such privileges and immunities to respect local laws and regulations.
2. Diplomatic immunity, a principle of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families, official staff, and servants, who are not nationals of nor permanent resident in the United States. They are protected by unlimited immunity from arrest, detention or prosecution with respect to any civil or criminal offense under current U.S. Law (22 U.S.C. 252).
3. Ambassadors and Ministers are the highest-ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché. Diplomatic officers, their families, official staff and servants are protected by unlimited immunity from arrest, detention or prosecution with respect to any civil or criminal offense.
4. Career consular officials can be identified by credentials issued by the State Department. The State Department credential bears its seal, the name of the officer, his title, and the signatures of State Department officials. Honorary consular officials do not receive identification cards from the State Department, but may exhibit reduced size copies of the diplomatic note evidencing recognition by the United States Government. These individuals are not immune from arrest. Family members of a Consular Officer cannot claim immunity.
5. Any problems regarding a subject who has diplomatic immunity will be immediately reported to the supervisor who will notify the Chief and/or his designee of the incident. The Chief of Police will then decide whether to notify the State Department of the incident. All officers will use discretion and restraint in order to avoid causing an international incident.

(Ref: CALEA 61.1.3, Item D)

E. Military Personnel

1. As a general policy and matter of law, no physical arrest will be made on any military person going to, remaining at, or returning from his/her duty station. However, on occasion it will be necessary to issue a traffic citation, effect a physical arrest, or investigate a traffic accident involving a member of the armed forces.
2. Armed forces personnel, for these purposes, will include regular members of the Army, Navy, Air Force, Marines, Coast Guard, National Guard and reservists who are on active duty.
3. When a physical arrest is made, an on-duty supervisor will notify the Military Police liaison officer at Fort Jackson. This does not apply to the issuance of a traffic citation.
4. A patrol supervisor will make the appropriate notification to the Military Police liaison officer when armed forces personnel are involved in a traffic accident, and are either killed or injured to the extent they require hospitalization. In this latter case, it will also apply to civilian employees of the armed forces while acting within the scope of their employment.
5. In any situation where U.S. government equipment is seized, towed, or confiscated, the appropriate governmental unit will be notified.

(Ref: CALEA 61.1.3, Item E)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
7.9.1

Subject
Auto Accident Investigation

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies

**CALEA Chapter 61 and SC Code of Laws, Title 56 and SC Traffic
Accident Procedure Manual**

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I. Purpose

To establish a general philosophy and overall guidelines for the Department's traffic accident investigation services and operations.

To provide emergency medical services and other assistance to safeguard the lives and well-being of persons involved in an accident.

To protect the property of persons involved in or in the vicinity of the accident.

To determine whether there is probable cause to believe that a traffic offense has been committed that caused or contributed to the accident, and if so, to determine the appropriate enforcement action to be taken and obtain evidence to support a prosecution.

To restore the safe and orderly movement of vehicular and pedestrian traffic at the accident scene as soon as practical.

II. Policy

It is the policy of the North Police Department to conduct complete and accurate investigations of traffic accidents, to take the appropriate enforcement action and to safeguard lives and property at accident scenes.

III. Procedure

A. Reporting/Investigation

1. Uniformed officers dispatched to handle a traffic accident are to report and/or investigate the accident in a thorough and professional manner.
2. The state required TR-310 form will be used to report traffic accidents.

3. An investigation is required on the following types of accidents:
 - a. Death or serious injury
 - b. Property damage
 - c. Hit and run accidents
 - d. Impairment due to alcohol and/or drugs
 - e. Hazardous materials
 - f. Private property
4. Submission of Accident Reports - It is important that Accident Reports be submitted promptly. Should a report be incomplete or need additional investigation, it will be submitted with a note attached that the report is "incomplete." It is the reporting officer's responsibility to complete the investigation and report in a timely manner.
5. Death or Injury Accidents - The coroner, the SC Highway Patrol Fatal Accident Investigation Team and the Chief of Police will be notified of all fatality accidents. The accident scene will be photographed and a scale diagram prepared. Statements will be taken from all occupants and witnesses. In injury accidents, the EMS will be notified. Photographs may be taken. If the injury appears to be life threatening, the officer will have the scene photographed and will take the necessary measurements so that a scale diagram may be prepared, if needed. Statements will be taken. In injury accidents, the officer may need to interview occupants who have been transported to medical facilities or if incapacitated the interview may be delayed until the victim has sufficiently recovered.
6. Property Damage - The officer will investigate the scene and interview all occupants and any witnesses. The officer may take photographs and/or statements.
7. Hit and Run Accidents - Hit and run accidents will be followed-up by the reporting officer. The officer will follow-up on any leads in an effort to locate the other party involved. If there is a description of the suspect vehicle the officer will announce a BOLO by police radio. If the description is detailed sufficiently, a teletype message may be sent. The officer will gather any physical evidence. If the suspect is located and probable cause exists, the suspect will be charged. The report will be turned in at the end of the shift with a photocopy retained by the officer for investigation purposes. Hit and run reports completed in one shift will be submitted the same as any other completed Accident Report.

8. Impairment Due to Alcohol and/or Drugs - The officer will investigate the accident scene. If there is probable cause to believe that one or more drivers were driving under the influence of alcohol and/or drugs, the officer will arrest the subject(s). Probable cause may be established through the officer's observations of the scene and the subject, statements made by the offender, statements from other occupants and witnesses. Once arrested, the subject will be transported to the appropriate facility for breath testing or, if required, to a medical facility for blood or urine testing. In felony DUI cases, the officer will have the scene photographed and will take statements from other occupants and witnesses. If the driver(s) involved in a DUI accident are minors, the officer will notify the Alcohol Enforcement Unit of SLED who will conduct an investigation into how the minors obtained the alcohol.
9. Hazardous Materials - The officer will investigate the scene. The officer will avoid any contact with the material. The officer will request the North Fire Department and SC Department of Health and Environmental Control to respond to the scene. The officer will establish a perimeter to prevent persons from coming into contact with the materials or fumes. The officer will notify the supervisor. Officers will follow the procedures specified in the Hazardous Materials Training Guide. The Chief's designee or the Chief of Police will be notified. The scenes of major or life threatening spills will be photographed.
10. Private Property Accidents - An officer will respond to private property accidents and an Accident Report will be completed if either party requests that a report be filed. If neither party requests a police report and the accident is minor in nature and not one of the below listed cases, the officer may give the drivers the self-reporting form from the SC Department of Public Safety. An investigation will be conducted and a report filed in any of the following cases:
 - a. Death or injury
 - b. Hit and run
 - c. Property damage in excess of state minimum reporting limit
 - d. Impairment due to alcohol and/or drugs

A citation will be issued in private property accidents when probable cause exists and the accident is the result of hit and run, reckless driving, DUI or for any violation when the accident occurred in a parking lot clearly marked as being under the jurisdiction of law enforcement.

(Ref: CALEA 61.2.1)

B. Law Enforcement Response

1. An officer will be dispatched to the scene of accidents under the following conditions:
 - a. Death or injury
 - b. Hit and run
 - c. Operator impairment due to alcohol and/or drugs
 - d. Damage to Town vehicles or property
 - e. Hazardous materials
 - f. Disturbances between principals
 - g. An intersection, or if an entrance or egress to a lot is blocked by vehicles or debris or there is major traffic congestion
 - h. Damage to vehicles to the extent that towing is required
2. During weather emergencies and when extremely poor road conditions exist, field accident reporting may be delayed by the on-duty supervisor. Non-injury, minor damage accidents that involve no other factors listed in (1) above, may be reported at the station rather than taken in the field. The supervisor will notify the Communications Center to respond to citizens' requests by informing them of the weather emergency, instructing them to exchange necessary information, and to respond to the police station or SC Department of Public Safety office to obtain the self-reporting forms. The news media will be advised of this when they inquire as to road and traffic conditions.
(Ref: CALEA 61.2.2)

C. Protecting the Accident Scene

1. Immediately upon arrival, the first officer at the scene of an accident will check for injuries, fire hazards, hazardous materials, and/or electrical wires down, and will summons appropriate fire, medical, or utility assistance. The officer will provide emergency medical aid and fire suppression services until fire/medical personnel arrive. In the case of hazardous material incidents, the officer will isolate the hazard area, evacuate non-essential personnel, identify the vehicle and container placards, and will notify responding fire department units of this information. The officer will notify the SC Department of Health and Environmental Control and the patrol supervisor to respond.
2. The officer will park his/her patrol vehicle in such a manner as to protect the scene, preserve evidence and protect the public, but not in such a manner that would create an additional hazard. Emergency lights will be activated while the police vehicle is on the roadway.

3. The officer or other officers will conduct manual traffic control around the scene as is required.
4. If damage to the vehicles will require them to be towed, a tow truck should be summoned as quickly as possible so normal traffic flow can be resumed.

(Ref: CALEA 61.2.3, Item E)

D. Investigative Responsibility

1. Unless otherwise directed by a supervisor, the officer originally dispatched to the scene by the dispatcher will investigate the accident.
2. A supervisor will be notified to respond and to assist in the investigation of the following types of accidents:
 - a. Fatalities
 - b. Very serious personal injury that could potentially become a fatal accident
 - c. Accidents that carry a high potential for Town liability such as involvement of Town vehicles, Town construction sites, etc.
3. The shift supervisor will determine if an accident is serious enough or has such a high potential for liability to the Town as to require the call-in of an officer trained in specialized traffic investigation.
4. If a serious accident occurs and no traffic investigation specialists are available, the supervisor may request assistance from the Lexington County Sheriff's Department Traffic Division and/or the SC Highway Patrol. The Highway Patrol must be notified of all fatality accidents.
5. Photographs are required for any accident listed in section D-2, and for any accident involving Town of North vehicles or property. Photographs of other accidents may be taken at the investigating officer's discretion.

(Ref: CALEA 61.2.3, Item A)

E. Collection of Information at Accident Scenes

When investigating accidents, the officer will ensure that a SC Traffic Accident Report Form TR-310 is filled out completely and accurately. The collection of this information will include:

1. Interviewing principals and witnesses;
2. Obtaining necessary witness statements;

3. Listing all occupants of the vehicles;
4. Examining and recording damage to vehicles, roadways or other public or private property.

(For detailed instructions about the Form TR-310, refer to SC Traffic Accident Procedure Manual.)

Officers will assist drivers in exchanging information. If evidence needs to be collected or if photographs or measurements need to be taken, the investigating officer will take whatever actions are necessary to safeguard that evidence.

(Ref: CALEA 61.2.3, Item D)

F. Follow-up Investigation

1. Accident investigation follow-up is the responsibility of the initial reporting officer. If an accident needs further investigation, the following duties will be completed on an as-needed basis:
 - a. Collection of on-scene data,
 - b. Vehicle safety inspections,
 - c. Obtaining recorded formal witness statements,
 - d. Reconstruction of accidents, and
 - e. Preparation of formal reports to support criminal charges arising from the investigation.
2. In fatality and serious injury accidents, which are potential fatal accidents, the scene will be photographed, triangulated and diagramed to scale.
3. Should additional technical assistance beyond the capabilities of the Department's personnel be needed, it will be arranged by the on-duty supervisor with the approval of the Chief's designee or the Chief of Police. Such technical assistance may include surveyors, mechanics, traffic engineers, physicians or other specialists.
4. Any time a police vehicle is involved in an accident involving possible equipment failure, the vehicle will be inspected by a supervisor prior to being placed back in service.

(Ref: CALEA 61.2.4)

G. Enforcement Actions in Auto Accident Investigations

Whenever the investigating officer determines that a violation of law has occurred and a sufficient amount of evidence exists to establish a case beyond a reasonable doubt and to support prosecution in a court of law, enforcement action may be taken.

H. Traffic Control

1. At accident scenes, officers will use the patrol vehicle's emergency lights, light sticks and other appropriate warning devices as necessary to protect the scene and alert approaching traffic. Flashing emergency lights, light sticks, etc., can create traffic problems and their unnecessary use will be curtailed when a road hazard no longer exists. Once the scene has been cleared of vehicles and debris, the officer will arrange for the prompt removal of light sticks and other warning devices that may have been used to protect the scene.
2. If damage exists that will require a longer closing of the roadway than normal, the North Public Service Department or SC Department of Transportation maintenance section will be contacted to provide barricades, traffic cones, emergency lights or other appropriate devices for traffic control.

I. Special Hazards

1. General

An important responsibility of officers responding to any accident scene is to keep the situation from becoming worse. This responsibility may become more important and complex when injuries, actual or potential fire hazards or hazardous materials are present at the scene.

2. Injury Accidents

- a. Officers sent to the scene of accidents involving injury will immediately call for an EMS unit, if one has not already been dispatched, and for another officer for assistance with traffic control, as needed. Officers will provide first aid, commensurate with their training, to any victim with life-threatening injuries, after taking universal protective precautions (put on latex gloves and other personal protective equipment as needed) and the scene is otherwise safe; i.e., no fire threat, no hazardous materials, etc. Victims complaining of back or neck injury, paralysis, loss of sensation in their extremities or who have been involved in an accident that is likely to have caused a neck, back or spinal cord injury will only be moved by trained rescue personnel unless conditions at the scene become life threatening to the victim, such as a fire or hazardous materials.

- b. Once EMS personnel have arrived, officers will provide whatever assistance the EMS personnel request while controlling traffic and conducting the accident investigation.
(Ref: CALEA 61.2.3, Item B)

3. Fire Hazards

- a. If a fire exists or there is a great potential for fire (spilled gasoline, live sparking wires or overturned vehicle), the Fire Department will be immediately summoned.
- b. Any injured victim who cannot leave the immediate hazardous area will be assisted. All other persons in the immediate area will be evacuated.
- c. Officers will secure the area to prevent unauthorized subjects from entering the area.
(Ref: CALEA 61.2.3, Item C)

4. Hazardous Materials

- a. Officers should be aware that any traffic accident involving a cargo vehicle is a potential hazardous material incident and should be observant for any evidence of hazardous material or hazardous material placards before approaching cargo vehicles involved in accidents.
- b. When there is a question whether spilled material at an accident scene may be hazardous, officers will avoid contact with the material and will keep others from contact with the material.
- c. Upon arrival at the scene of a traffic accident involving a spill from a cargo vehicle, officers will immediately contact the Fire Department and attempt to make a preliminary identification of the cargo on the basis of placards visible from a safe distance. Binoculars may be used for this purpose.
- d. The officer will notify a supervisor to respond to the scene.
- e. Officers will follow the procedures specified in the Hazardous Materials Training Guide to complete the identification of hazardous materials and take appropriate emergency action until the situation is remedied.
- f. In the event of an actual spill or leak, the officer will notify the SC Department of Health and Environmental Control to respond.

(Ref: CALEA 61.2.3, Item C)

J. Property Control Safeguards

1. The officer at the scene of an accident will ensure that property belonging to the accident victims is protected from theft and is removed to a place of safekeeping if the owner is unable to care for it.
2. When an injured driver is removed from an accident scene and/or it is necessary to tow the vehicle, a wrecker request will be called in to the dispatcher. The officer will conduct an inventory of the contents of the vehicle. Cash, firearms, and items worth over fifty dollars will be tagged and placed in the Property Room. (Ref: CALEA 61.2.5)

K. Classification

The North Police Department uses the state traffic accident classification system required by the SC Department of Transportation.

(Ref: CALEA 61.2.6)

L. Police Vehicle Accidents and Damage and Accidents Involving Police Employees

1. All members of the Police Department shall notify their supervisor as soon as practical whenever, as a driver of a vehicle, they are involved in a motor vehicle accident. The Chief of Police shall also be notified.
2. In addition, members of the Police Department shall notify their supervisor as soon as practical whenever they discover new or previously unreported damage (accidental or criminal) to their police vehicle. The supervisor will investigate the report of damage and will advise the Chief of Police of his/her findings.
3. Accidents in which police vehicles are involved shall be investigated by the SC Highway Patrol. The following forms will be completed and turned in to the supervisor who will forward them to the Chief of Police.
 - a. Form TR 310 - completed by SCHP
 - b. Police vehicle accident form
 - c. Witness statements (if any)
 - d. Photos (all traffic accidents, even minor)
 - e. Other driver's Financial Responsibility (FR-10) form
4. A supervisor shall respond to the scene of all traffic accidents involving police vehicles and shall notify the Chief of Police. The supervisor will ensure that photos are taken and insurance information on the other driver(s) is obtained. The supervisor will ensure the officer completes the departmental Police Vehicle Accident Report.

5. Accidents involving North Police Department employees whether on or off-duty, driving private or personal vehicles must be investigated by the SC Highway Patrol. However, if they are unable to respond, the appropriate Sheriff's Department will be called to investigate. By the SC Code of Laws 56-5-765, the North Police Department cannot investigate these accidents.
6. Accidents involving SC Department of Public Safety (DPS) vehicles must, by law, be investigated by the appropriate Sheriff's Department.
7. Accidents involving vehicles (except DPS owned vehicles) or employees from other law enforcement agencies that occur in North will be investigated by this Department. However, if a law enforcement agency-owned vehicle (other than the North Police Department) is involved and a supervisor of that agency requests that the investigation be conducted by the Highway Patrol or Sheriff's Department and one of these agencies agrees to respond, this Department will honor the request unless directed otherwise by the Chief of Police, North Police Department.

M. Town Owned Non-Police Vehicle Traffic Accidents

1. All traffic accidents on public or private property that come to the attention of the Police Department in which Town of North owned or operated vehicles are involved shall be investigated and an Accident Report filed.
2. A supervisor will respond to the scene to supervise the investigation. The supervisor will notify the Chief of Police who, in turn, will notify the Mayor. The supervisor will also be responsible for ensuring that photos and witness statements are taken as well as obtaining insurance information on the other driver.
3. If probable cause exists to believe that any driver, including a Town employee, violated a traffic law that caused or contributed to the accident, that driver may be cited.

N. Traffic Accidents Involving Trains

1. All accidents involving a train, whether with a pedestrian or vehicle, will be investigated and an Accident Report filed.
2. A supervisor will be called to the scene.
3. The Chief of Police will be notified.
4. An investigator will be immediately called to the scene to assist the investigating officer with photographs, measurements, taking of statements, etc.

5. The Railroad Police Department of the involved railroad will be promptly notified and requested to respond to the scene. The Railroad Police may assume primary jurisdiction. The investigating officer will request that a copy of the Railroad Police investigative report be provided to this Department. Officers will cooperate and assist the Railroad Police in their investigation.
6. In the event of a derailment, the National Traffic Safety Bureau must be notified.
7. Officers will protect the scene and initiate any required rescue and recovery operations.

Mark P. Fallaw
Chief of Police

Date

NORTH POLICE DEPARTMENT
VEHICLE ACCIDENT FORM

DATE OF ACCIDENT _____ TIME _____

EMPLOYEE _____

DIVISION _____ DEPARTMENT _____

INVESTIGATING OFFICER _____
AGENCY _____

NAME OF INSURANCE COMPANY OF OTHER VEHICLE (LOCAL AGENT IF AVAILABLE) _____

STATEMENT

(INCLUDE PERSONAL INJURIES, PROPERTY DAMAGE, VEHICLE DAMAGE, AND DESCRIPTION OF WHAT HAPPENED. USE REVERSE SIDE OF FORM IF ADDITIONAL SPACE IS NEEDED.)

DIAGRAM

ATTACHMENTS: _____ INVESTIGATING OFFICER'S REPORT
 _____ COPIES OF DAMAGE ESTIMATES
 _____ PHOTOS OF SCENE
 _____ STATEMENTS FROM WITNESSES-IF AVAILABLE
 _____ COPIES OF CITATIONS IF ANY

SUPERVISOR _____

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
7.9.2

Subject
Accident/Incident Review & Accountability

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 61

Distribution
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Pages
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I. Purpose

To provide supplemental guidelines for Town or departmental-owned property that is subjected to damage and to provide procedures for the investigation and accountability of such damage.

II. Policy

It is the policy of the North Police Department to hold its officers, officials and or representatives to strict standards relating to the safe operation of any departmental vehicles. For purposes of this section, vehicles are defined as any vessels or mode of transportation used by the Department. If any such vehicle is subject to any damage, it shall be immediately reported to the Chief of Police or his designee and subsequently documented by Incident Report.

III. Procedure

A. Reporting/Investigation

Notwithstanding reporting requirements of this section, officers shall immediately determine if the accident/incident requires services from emergency medical persons or fire department authorities and make appropriate report. If the incident or accident involves personal injury, citizens or other persons or vehicles that would give rise to improprieties, the South Carolina Highway Patrol will investigate the incident unless it occurs on private property, whereby the agency with jurisdiction will investigate. For all other incidents, the Chief of Police or his designee will determine whether the situation requires an outside agency.

B. Determination of Cause

If the agency investigating the accident/incident determines that an officer, official or representative of the Department contributed to the accident/incident, the Chief of Police will decide whether a Department representative should review the accident. For all other accidents/incidents, a Department representative will review the situation to determine compliance with policies, procedures and regulations. At the discretion of the Chief, a review board may be established to evaluate all circumstances and determine officer accountability.

C. Determination of Responsibility

After investigation and review of reports, documents and other information including but not limited to the investigating agency, professional standards or a review board, the level of responsibility of the officer will be determined. Final reports will include but not be limited to findings of accidental-unavoidable, accidental-avoidable, careless, negligent or malicious. These findings may be inclusive of policy violations and will be evaluated in final responsibility of the officer, official or representative.

D. Closure

Dependant upon all information, factors, reports and documentation, an officer, official or representative's level of responsibility may require that they make monetary payment to repair or replace any costs incurred by the Town or Department. In addition to financial responsibility, the officer may be subject to disciplinary action as outlined by policy and procedure. However, if an officer, official or representative is found to have no fault, liability or responsibility, the representative will suffer no consequences.

(Ref: CALEA 61.2.4)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
7.10.1

Subject
Speed-Measuring Devices

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 61

Distribution
All Personnel

Re-Evaluation
Annual

Pages
4

I. Purpose

To outline procedures for the care, maintenance and use of speed measuring devices.

To outline training requirements and certification for RADAR and LIDAR operators.

II. Policy

The effective use of speed monitoring devices and their acceptance is dependent upon the operator's understanding of the specific limitations of RADAR and LIDAR devices, adequate training and the initial certification combined with periodic re-certification to demonstrate the operator's efficiency.

The Department will use RADAR and LIDAR in high or potentially high accident locations when speed is a factor, in areas where speed limit violations are prevalent, and in response to citizens' complaints concerning speeding motorists.

III. Procedure

A. Operator Certification

1. Police Traffic RADAR and LIDAR operators must be certified law enforcement officers of South Carolina.
2. Police Traffic RADAR and LIDAR operators must have been trained and certified by the South Carolina Law Enforcement Training Council in accordance with all provisions of State law.
3. Any law enforcement officer who fails the classroom portion of the RADAR Operator Training must attend the entire classroom portion again. A grade of 70 is required to pass.

4. Any law enforcement officer who passes the classroom portion of the RADAR Operator Training must then complete a three to six week period of practice using those techniques of operation. At the end of this three to six week practice period, that officer must complete a Police Traffic RADAR Speed Estimation Proficiency Examination whereby his/her estimate of speed (10 vehicles in stationary and 10 vehicles in moving mode) shall be within ± 3 miles per hour of the actual speed. A 70% accuracy is required in stationary mode and a 70% accuracy is required in moving mode to successfully pass the speed estimation proficiency examination. The officer must pass this proficiency examination within three to six weeks following the classroom portion of the RADAR Operator Course. No officer may be tested after six weeks following the classroom portion or after the third road Speed Estimation Proficiency Examination. Should the officer fail the third road trial, he/she will have to complete the entire RADAR Operation Course again.
5. Re-certification of Police Traffic RADAR Operators will be accomplished at least within three years of the last certification to prove continuing ability to operate RADAR as prescribed by the South Carolina Law Enforcement Training Council. A grade of 70 is required to pass.
6. A qualified Department training instructor or other qualified instructor will provide an additional four hours of training on the LIDAR device. LIDAR re-certification is required every three years.
(Ref. CALEA 61.1.9, Item F)

B. Operational Procedures

1. All operational procedures set forth by the South Carolina Law Enforcement Training Council in training programs of the South Carolina Criminal Justice Academy shall be used in proper Police Traffic RADAR operation in stationary or moving modes.
2. Police Traffic RADAR should not be used in heavy rain, snow, heavy fog or dust storm weather.
3. The antennas of all Department RADAR units must be mounted on or above the dash inside the patrol unit. Care must be taken to avoid putting equipment in the path of deploying air bags.
4. RADAR units formerly equipped with lock-in controls can be used, but the lock-in controls must be cleared and reset after completion of the traffic stop or not used. Units equipped with the third window must be cleared/reset after completion of the traffic stop.

5. All Police Traffic RADAR shall be tested by tuning forks, light test and internal test beginning each tour of duty, after each violation that is cited and at the end of each tour of duty. LIDAR shall be tested internally as stated by the LIDAR training instructor.
6. All speeding citations will be logged on the Department-approved summons disposition form or on the officer's Daily Report form. The following information will be recorded on the back of the white copy of each speeding citation issued based on RADAR and LIDAR:

Example:

Radar Unit Number	FF5025
Internal Test Results	Int. Test
Tuning Forks Test Results	TF
Light Test Results	LT

Check marks will be used to indicate that the tests were done and satisfactory results were received.

Additional notes concerning the case should also be recorded including lane of travel, traffic conditions, statements of the violator, etc.

If the officer issuing the citation was not the RADAR or LIDAR operator, the issuing officer must report back to the RADAR or LIDAR operator so that the above information may be recorded on the back of the white copy of the citation.

7. All RADAR cases must be made using the foundation theory of tracking history. (The RADAR cannot be the only basis for making a case).
8. If RADAR fails any of the test sequences - internal, tuning forks or light test - that unit must be taken out of service and checked by an authorized technician.
9. All RADAR must be operated in patrol units situated within 10-15 feet of the main traveled portion of the roadway when in the stationary mode to avoid the cosine effect.
10. Police Traffic RADAR equipped with "beam hold devices" may be used.
11. When choosing an operating site near the Town limits, it is important that traffic violators only be cited when clearly within the Town limits. Officers must also take care to make certain that violators are clearly within school zones and traffic control (School Zone) lights are operating or are within other appropriate zones before issuing citations.

12. Officers should not park on private property without first obtaining the property owner's permission.

(Ref: CALEA 61.1.9, Item B)

C. General Requirements

1. All speed measuring devices must conform with the following equipment specifications:

- a. K band Doppler RADAR device, or
- b. LIDAR device
- c. RADAR may not have operational locking devices
- d. RADAR may have beam hold devices
- e. RADAR and LIDAR must have internal test functions for the operator
- f. RADAR and LIDAR must be DC powered

(Ref: CALEA 61.1.9, Item A)

2. All Police Traffic RADAR, tuning forks, and LIDAR must be factory or electronic laboratory calibrated at least annually.

(Ref: CALEA 61.1.9, Item D)

3. The most recent certificates of accuracy of tuning forks and the Police Traffic RADAR will be filed with the Sergeant or the Chief's designee assigned to vehicle/equipment maintenance.

(Ref: CALEA 61.1.9, Item E)

4. All repairs of Police Traffic RADAR should be made by authorized radio Federal Communications Commission (Class #2) licensed operator-technicians only. LIDAR may be repaired by authorized technicians only.

5. Officers who use RADAR and LIDAR units are responsible for the proper care and upkeep of the units while in their possession. Any deficiencies must be immediately reported in writing to the officer assigned to vehicle/equipment maintenance.

(Ref: CALEA 61.1.9, Item C)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
7.11.1

Subject
DUI Enforcement

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 61 and SC Code of Laws, Title 56 and North Police Department Policy and Procedure Manual, Chapter 9

Distribution
All Personnel

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Pages
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I. Purpose

To provide methods for the detection, apprehension, processing, and prosecution of driving under the influence violations.

II. Policy

The North Police Department recognizes the senseless loss of life and extensive property damage that occurs each year caused by the DUI driver. The Department is committed to the strict enforcement of driving under the influence laws, and every officer shall do everything reasonably in his/her power to detect, apprehend, and prosecute DUI offenders.

III. Procedure

A. Handling Persons Charged With DUI

1. When an officer whose car is equipped with a video camera system observes a suspected DUI driver, the officer will attempt to record the erratic driving, the traffic stop and field tests that are administered. The video camera will run constantly throughout this process. If the violator is arrested for DUI, the officer will keep the tape as evidence in accordance with established departmental procedure.
2. Whenever there is probable cause to believe that a driver is driving a motor vehicle while under the influence of alcohol and/or drugs due to erratic operation of the vehicle and/or other observations by a police officer, the driver can be asked to submit to field sobriety tests.
3. Officers should observe the general appearance and demeanor of the traffic violator, listen to the speech and smell for the odor of an alcoholic beverage as indicators that a person has ingested enough alcohol and/or drugs to impair his/her driving of a motor vehicle.

4. If a police officer suspects from these observations that the driver may be under the influence of alcohol and/or a drug of abuse, the officer may administer field sobriety tests to the driver in order to ascertain probable cause for arrest.
5. When an officer from his/her observations, experience, training, and knowledge develops probable cause that the driver of a motor vehicle is under the influence of alcohol and/or drugs, the officer must arrest the violator.
6. Persons arrested for DUI must then be taken promptly to the nearest appropriate facility to administer chemical tests unless medical attention is required. Provisions and procedures for administering tests will then be followed as outlined in SC Code of Laws 56-5-2950 and SC Law Enforcement Division regulations regarding breath testing. Persons charged with DUI will be incarcerated in the appropriate detention center. If the workload permits, certified DataMaster operators may perform tests for other law enforcement agencies upon their request.
7. When the driver of a vehicle has been arrested, custodial care of the violator's vehicle must be provided by the officer. An inventory of the vehicle will be conducted and recorded on the Inventory of Towed Vehicles report. Two options are acceptable, as listed below:
 - a. The violator may leave his/her auto at the location of the stop, if the vehicle is already parked in a legal parking area and secured. This requires the consent of the owner of the automobile. Officers nor any suspect will not be allowed to drive the vehicle. The vehicle can also be released on the scene to the vehicle owner. In either case, the owner must sign the report indicating that he/she has refused the tow.
 - b. If consent cannot be obtained, the vehicle will be ordered towed by the officer using the standard towing procedure. No police hold will be placed on the vehicle unless the auto is being held for other evidential purposes not related to the DUI arrest or for initiation of seizure proceedings (refer to Chapter 9, Property/Assets Seized for Forfeiture Proceedings). The vehicle owner will be responsible for all towing and impoundment fees associated with towing the vehicle by the wrecker service. Wreckers will be called using the wrecker rotation list.

B. Prosecution of DUI Cases

1. The North Municipal Court will hear all first offense DUI offenses charged by the North Police Department. All other offenses will be set before the General Sessions Court with jurisdiction.

2. All persons cited to North Municipal Court will be scheduled to appear no less than ten days and no more than 45 days after arrest.
3. Accompanying court charges are to be cited for the same court date as a DUI charge.
4. A case file will be completed for each person charged or violation of SC Code of Laws 56-5-2930, DUI. This file will contain copies of the following forms:
 - a. An Incident Report detailing the circumstances of the arrest.
 - b. A completed DataMaster Test Report, if any.
 - c. Refusal report form, if any.
 - d. A certified driver's record for more than first offense cases.
 - e. Urine/Blood Collection Report, if any.
 - f. SLED Lab Analysis report, if any.
 - g. Inventory of Towed Vehicles report
4. If a minor is involved in an alcohol-related accident, the Underage Alcohol Related Accident Investigation Request must be completed. The SLED Alcohol Enforcement Unit must be contacted to investigate how the minor obtained the alcoholic beverages.

C. Breath, Blood and Urine Testing

1. A DataMaster breath testing device will be used, whenever possible, when a person is arrested for driving under the influence of alcohol. In circumstances where the violator requests a second test to be administered, the violator will be transported to the closest medical facility for a blood test at his/her own expense.
2. In cases in which the violator is unable to provide an acceptable breath sample because of a mouth injury, is unconscious, dead or for any other reason considered acceptable by licensed medical personnel, a blood sample may be obtained, sealed, and preserved as evidence for analysis by SLED. Blood specimens must be refrigerated until analyzed. Blood samples may only be drawn by medical personnel in a licensed medical facility.

3. If the officer has reasonable grounds to believe that the violator is under the influence of drugs other than alcohol, the officer may order that a urine sample be taken for testing. The sample must be sealed and preserved as evidence for analysis by SLED. Specimens must be refrigerated until analyzed. Urine samples may only be taken by medical personnel in a licensed medical facility.
4. If a blood or urine sample is taken, the officer must complete the SLED Urine/Blood Collection Report and distribute copies as indicated on the report, including the copy to the medical facility.
5. If the DataMaster reading for the violator is .10 BAC or greater the officer may not require additional tests of the violator (SC Code of Laws 56-5-2950).

(Ref: CALEA 61.1.11 and 61.1.5, Item A)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
7.12.1

Subject
Use of In-Car Video Recording Systems

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 61

Distribution
All Personnel

Re-Evaluation
Annual

Pages
10

I. Purpose

The primary purpose of law enforcement audio/video recording equipment is to collect evidence for use in prosecuting persons who have violated a law or to document certain events or conversations.

II. Policy

Recognizing that a recorded tape may become an important piece of evidence, the North Police Department hereby adopts this policy to establish procedures relating to the proper collection, preservation, handling, disposition and retention of audio and video tape recordings made in the line of duty by officers of the Department.

III. Procedure

A. General Use

1. Officers operating a patrol vehicle equipped with an in-car video recording system shall activate the in-car system, including the audio portion, beginning when the blue lights and/or siren are activated. Once the in-car system is activated, it shall remain activated as long as the officer has any interaction with the individual(s) being stopped, including the time during which the violator(s) is being interviewed, given field sobriety testing or while completing a physical arrest.

(Ref: CALEA 61.5.2)

Interactions with citizens that do not involve the use of a blue light and/or siren shall be recorded when practical. In all cases involving enforcement activities, once the audio and video recording has begun, it shall not be stopped, paused, turned to the "off" position or otherwise interfered with at any time until the enforcement event is concluded. In cases where the blue light remains activated for safety purposes, the officer may terminate the recording at his/her discretion.

2. At the time of a traffic stop, officers shall use the wireless microphone to record the following information:
 - a. Location of the stop.
 - b. Description of the vehicle.
 - c. Number of occupants in vehicle(s) and their race and sex, if known.
 - d. Vehicle(s) license number and state of issuance.
3. Officers shall inform those who inquire that audio/video recording equipment is in use.
4. Officers who are assisting another officer in a back-up capacity shall also record required incidents at the point they activate their blue lights and/or siren or when they arrive on the scene, whichever is sooner, and continue until they no longer have contact with the individual(s) involved. If the primary officer is recording, back-up officers may turn off their audio transmitters upon exiting their vehicles in order to avoid interfering with the primary officer's audio recording.
5. If a tape malfunctions during use, the officer shall label the tape with the date and time of the malfunction. The malfunction will be reported to the supervisor as soon as possible, using the appropriate form.
6. Officers should make every effort to ensure that no background noise interferes with the audio portion of the recording.
7. Officers should position the violator, when outside of the stopped vehicle, in such a way that the violator is in view of the video equipment. (Ref: CALEA 61.5.3)

B. Tape Security and Control

1. When issuing a blank tape, it shall be sequentially numbered, identifying the issuing unit. Issued blank tapes will be documented on the Blank Videotape Log.
2. Officers shall write identifying information on the label of all recorded tapes, which shall include the name of the officer responsible for the recording, the first date that the tape was used, and the last date that the tape was used.
3. If at any time the recording/arresting officer has to release a videotape to an authorized individual, the record tab will be removed and the chain of custody will be documented on the Videotape Chain of Custody and Disposal form.

4. A Department employee shall not tamper with a recording tape before or after installation into the recorder nor shall an officer copy or duplicate tapes in any manner unless authorized by a supervisor who shall designate the place of duplication. This shall not prohibit the copying of tapes for training purposes under the procedures set forth in this policy.

C. Tape Storage and Retention

1. Unissued blank tapes shall be stored in a climate-controlled and secured area in the Department.
2. Officers shall only carry the number of blank tapes that will be needed during the near future in the patrol vehicle.
3. Unless otherwise required by this policy, the recording/arresting officer will maintain custody and store recorded tapes until a final disposition of the case.
4. When it has been determined that a video or audio tape contains information that may be used as evidence in a case involving a major drug arrest, complaint or civil rights allegation, that video or audio tape shall be remanded to the evidence custodian for the Department.
5. Recorded tapes that are returned to the evidence custodian shall be stored in a climate-controlled and secured area. The evidence custodian shall log the tape and store it for a period not to exceed 90 days. If the officer logging the tape into evidence does not notify the custodian of any court appeals or other reasons to retain the tape, the tape will be disposed of after a review as outlined in this procedure.
6. The status of the tapes with an active case(s) will be verified annually with the officer who submitted the tape.
7. The evidence custodian or officer must sign the Certification of Disposal block of the disposal form as well as the date and method of disposal as the final entry prior to the disposal of a tape.
8. Erased in-car videotapes may be returned to the blank tape storage, relabeled and assigned a new number for reuse. The number of times that the tape has been previously used will be noted on the new label. An in-car videotape will not be reused more than four times. If an in-car videotape has been recorded four times or if it shows any signs of degradation, it will be destroyed with the appropriate notation and supervisor's signature on the Videotape Chain of Custody and Disposal form.

9. The evidence custodian will periodically review the Videotape Chain of Custody and Disposal forms ensuring that tapes are submitted in a timely manner and in compliance with this policy. Completed blank videotape logs will be forwarded to the evidence custodian to assist with the review.
10. The evidence custodian will maintain completed blank videotape logs for one year.
11. Nothing in this policy prohibits a supervisor from taking custody of a videotape after a pursuit, shooting, complaint or other incident when such change of custody is determined necessary by the supervisor. In any such case, the transfer of custody will be documented on a Videotape Chain of Custody and Disposal form.

D. Working Copies

1. If a transcription of a recorded conversation will likely be needed or when information contained on a tape will likely require frequent review for investigation purposes, the Chief may authorize a “working copy” of the recording. The original tape will be protected as evidence and should not be used on a routine basis. If necessary, additional working copies may be made by duplicating the first working copy. When making copies, the record protect tab should be removed from the original source tape to avoid accidental erasure. A notation must be made on Videotape Chain of Custody and Disposal form reflecting that a “working copy” was made. Care should be taken to securely store working copies.
2. The label on a “working copy” will contain the same information as the original tape label with the additional marking indicating “Working Copy.” With the Chief’s approval, a supervisor may make a working copy.

E. Review of Tapes

1. The following procedures are established to ensure that tapes recorded by officers are reviewed on a regular basis. Each tape will have a portion randomly reviewed by a supervisor prior to the disposal of a tape. In general, the review will take place after the officer has submitted the tape where no further court action is expected or pending. In the event of an inquiry or complaint, a supervisor may enter the chain of custody of the tape on a pending or active case(s) in order to conduct the appropriate review.
2. The evidence custodian may release tapes to professional standards investigators to assist in the above review of each tape prior to its final disposition. All reviews will be documented by completing the appropriate section on the Videotape Chain of Custody and Disposal form.

3. Each supervisor reviewing tape(s) shall evaluate an officer to ascertain the following:

- a. Compliance with standard operating procedures, safety procedures and other training,
- b. Interactions with the public, and
- c. Professional behavior and demeanor.

Appropriate action shall be taken to address any issues that arise as a result of this review. If extraordinary issues are detected that involve serious incidents of misconduct or have the potential for developing into serious incidents of misconduct, they shall be immediately reported to the Chief of Police.

F. Inspection, Maintenance and Repair of Recording Equipment

A supervisor shall routinely inspect the cameras and evaluate the recording equipment to ensure it is in proper working condition. The review will be documented and conducted in accordance with the Line Inspections procedure of this manual. If an officer experiences malfunction with any part of the recording equipment, the officer shall notify his/her supervisor of the problem. The supervisor shall arrange for the repair of the equipment reported to have malfunctioned or found to be in need of repair.

G. Complaints

1. If a complaint is lodged against an officer who has been issued an in-car video system, a supervisor will immediately secure any tape(s) that may be related to the complaint. A “working copy” of the tape(s) will be made and the original tape(s) will be submitted as evidence. Complaint-related tapes may be made available to the officer for trial of cases in court, but may not be erased until the final disposition of the complaint.
2. The “working copy” of the tape will be used during the course of the investigation. If a complaint is substantiated, the original tape will be released to the Chief and to the Chief’s designee after it is no longer required for court purposes.

H. Duplication or Distribution of Tapes for Training Purposes

1. General

Once an officer no longer needs a tape for prosecution of a case and the Professional Standards Unit indicates that the tape is not needed for a criminal appeal, civil litigation or a Professional Standards

investigation, the tape may be used for training purposes if it is beneficial for training uses. In such cases, a notation must be made on the log sheet indicating that the tape was forwarded to the Training Section to be edited for training purposes.

2. Special Circumstances

In situations where the videotape has recorded the injury or death of a law enforcement officer, the Chief shall consult with the officer/family of the officer before using the tape for training purposes. If the officer/family of the officer does not wish for the tape to be used or distributed for training purposes, the Department will respect the officer/family of the officer and either forward the tape to the officer/family of the officer or dispose of the tape if the officer/family of the officer does not wish to maintain custody of the tape. Additionally, if the officer/family of the officer permits the Department to use the tape for training purposes, the Department will adhere to any reasonable restrictions or limitations of the officer/family of the officer as to the tape's use or distribution. The failure of an employee to adhere to such restrictions may result in disciplinary action. While the Department will make every effort to respect the wishes of the officer/family of the officer regarding the distribution of such tapes, the Department must comply with the requirements of distribution of materials pursuant to the Freedom of Information Act.

3. Training Video Procedures

- a. If a tape is approved for use as a training video, the training staff and the appropriate law enforcement division shall work together to produce a training tape acceptable to both. Once a video has been adapted for use as a training tape, the edited training tape must be forwarded to the Chief for review and approval prior to the edited training tape being used or distributed by the Department.
- b. Once an edited training tape has been approved by the Chief of Police, the original tape shall be disposed of in accordance with the provisions of this policy.
- c. Distribution of Training Videos
- d. Any request for Department videos that are made pursuant to the Freedom of Information Act must first be referred to the Town Attorney to be processed in accordance with this policy.
- e. Requests from another law enforcement agency or other sources having a legitimate need or statutory right to copies of evidentiary or training recordings shall be referred to the Chief of Police and will be subject to the following guidelines:

- (1) Law enforcement agencies will forward written requests on the department's letterhead signed by the chief law enforcement executive specifically requesting the copy of the tape.
 - (2) All other requests must be in writing and must indicate the identity of the person making the request for the recording(s) and any organization that the person represents.
 - (3) In instances where there is an active case or pending prosecution, the affected court or prosecuting attorney and the Town Attorney must first approve the release of the recording.
- f. The duplicated copy shall be made by a competent agency or authority and must be labeled "Town of North Police Department" and shall contain the following disclosure:
- "Any duplication or distribution of this tape is prohibited without the express, written consent of the Chief of Police for the Town of North Police Department."
- g. Videos from Other Law Enforcement Agencies
- The Department may use training tapes from other law enforcement agencies. However, before such tapes may be used, approval must be secured from the respective law enforcement agency. Additionally, Department personnel shall strictly adhere to any reasonable restrictions of the law enforcement agency as to the tapes' use or distribution. Similarly, videotapes recorded by other law enforcement agencies may be modified to a training format by the Department. However, the approval of the law enforcement agency must be secured in writing prior to such modification and the law enforcement agency shall be consulted regarding the modification of the tape.

I. Freedom of Information Act Requests

Video and training tapes or portions thereof, which are recorded and maintained by the Department, may be subject to Freedom of Information Act requests. All Freedom of Information Act requests received by the Department shall be forwarded to the Town Attorney for response. It is the responsibility of the Chief to notify the Town Attorney if the tape or portions of the tape are not believed to be subject to release under this Act. Only the Town Attorney can approve or disapprove the release of documents or tapes under a Freedom of Information Act request.

J. Violation of Policy

Any violation of this policy shall be handled in accordance with the Disciplinary Action section of this manual.

(Ref: CALEA 61.5.1)

Mark P. Fallaw
Chief of Police

Date

NORTH POLICE DEPARTMENT**VIDEOTAPE CHAIN OF CUSTODY & DISPOSAL**

Tape ID#	Unit:	
<hr/>	<hr/>	
(Enter Officer's Name for either type tape)	(Enter Start and End Dates for In-Car Video Tape)	
Submitting Officer:	Start Date:	End Date:
(Enter Defendant's name for Breath Test Site Video)	Working Copy or Copies Made?	
Defendant's Name:	If yes, <input type="checkbox"/> Circle Check box # Made 1 2 3 4 5 6	

CHAIN OF CUSTODY

DATE	FROM	TO	REASON

AUTHORIZATION FOR DISPOSAL

<hr/> All cases on this tape have been disposed of and the tape can be disposed of after 90 days from this date in accordance with NPD Policy 7.12.1. I will immediately notify the evidence custodian if I am made aware of any appeals or other reasons this tape should not be disposed.	
<hr/> All cases on this tape have been disposed of and the tape is not needed for a criminal appeal, civil litigation, or an investigation. I believe that the tape has content that would be beneficial for training purposes.	
DATE:	OFFICER'S SIGNATURE:

CERTIFICATION OF REVIEW

In accordance with NPD Policy 7.12.1, I have reviewed random portion(s) of this tape to evaluate the officer's (1) compliance with standard operating procedures, safety procedures and other training; (2) interactions with the public; and (3) professional behavior and demeanor. Appropriate action has been taken to address any issues that arose as a result of this review.	
DATE:	SUPERVISOR'S SIGNATURE:

CERTIFICATION OF DISPOSAL

I have disposed of this tape as noted in the final entry of the Chain of Custody block above.	
DATE:	SUPERVISOR'S/CUSTODIAN'S SIGNATURE:

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
7.13.1

Subject
Impounding and Towing Vehicles

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 61 and SC Code of Laws, Title 56 and North Police Department's Policy and Procedure Manual, Chapter 9

Distribution
All Personnel

Re-Evaluation
Annual

Pages
9

I. Purpose

To establish when the Department may or may not tow vehicles.

To establish accountability for safeguarding property contained in impounded vehicles.

II. Policy

It is the policy of this Department to tow vehicles only when legally necessary. The Department will take reasonable precautions to safeguard property when it directs vehicles to be towed.

III. Procedure - General Rules

A. A North police officer may tow any motor vehicles that are:

1. Stolen or taken without consent of the owner.
2. Parked in violation of law and constituting a traffic hazard on public property.
3. Involved in an auto accident and the owner and/or driver cannot take responsibility for the vehicle.
4. In possession of a physically arrested person, and it cannot reasonably be released to the owner.
5. In the possession of a person who requests it to be impounded for safekeeping.
6. Held as evidence in a criminal case by police for evidence processing or as evidence to be presented in a court of law.

7. Involved in narcotics trafficking or any other offenses under which the vehicle may be subject to forfeiture proceedings by local, state or federal law enforcement agencies. This requires approval by a supervisor.
- B. A motor vehicle subject to impoundment under Section III A, Item 4, may not be impounded if:
1. The officer can readily establish ownership at the location where the vehicle is initially stopped, the owner requests that the vehicle not be towed and the vehicle is legally and safely parked at its location.
 2. The owner of the vehicle is responsible for the towing and storage fees. Owners of vehicles released at the scene or driven by the owner to the North Police Department whereby a wrecker rotation service has not been called will not be assessed towing or storage fees.
 3. The arresting officer shall notify the owner that the vehicle and all property contained in the vehicle that is left legally parked where initially stopped becomes the responsibility of the owner when he/she elects to leave the car so parked. This includes damages, fire and any potential theft losses that may occur while such vehicle remains at that location.
 4. On the Inventory of Towed Vehicles report, the officer will note the location where the vehicle is parked, the location of the keys to the vehicle, that the vehicle was not towed and that the owner was notified of his/her responsibility for the vehicle and its contents. The owner of the vehicle must sign the "Tow Refused" section of the Inventory of Towed Vehicles report.
 5. All vehicles in which an arrest is made will be inventoried and an Inventory of Towed Vehicles report completed whether the vehicle is towed or not towed.
 6. When a vehicle is towed to the police station, the vehicle and contents must be inventoried even though someone may be responding to retrieve the vehicle.
- C. The owner of any vehicle ordered towed by North Police officers must be given notice of such impoundment. Notice shall be made as soon as practicable either in person, by telephone or mail by the officer who initiated the impoundment. The impounding officer will indicate whether notification has or has not been made on the Inventory of Towed Vehicles report. The owner shall be advised of the storage location of his/her vehicle, the reason why it was towed and the procedure for obtaining the release of the vehicle.

(Ref: CALEA 61.4.3, Item C)

- D. Anytime a North Police officer orders that a vehicle be towed for any reason, the officer must perform a thorough inventory of the contents of the vehicle, complete the inventory report, the Incident Report and/or the Accident Report and may issue any citations that may be appropriate. The inventory report contains the date, time, location, requesting officer, reason for tow, towing service, location of the vehicle, notification (or attempt) of the owner, vehicle description, inventory summary and the tow refused statement.

The original is filed in the Records Section, a copy is given to the wrecker driver and a copy is provided to the driver/owner. (Ref: CALEA 61.4.3, Item C)

- E. If a vehicle is towed solely at the request of the driver or owner, by either an owner's request or rotation list wrecker, the officer will not conduct an inventory of the vehicle or complete an inventory report.
- F. If the vehicle owner or driver disputes whether the vehicle should have been towed by the police, the Chief of Police will review the complaint.
(Ref: CALEA 61.4.3, Item C)
- G. No officer may recommend any wrecker service to a citizen. The established wrecker rotation list will be used if the driver/owner has no preference.
- H. Only those towing services that possess a current, valid Town of North business license may be used to tow vehicles within the Town limits whether at the request of law enforcement or by owner's request.
- I. If a police vehicle must be towed, the next wrecker on the rotation list will be used. The police vehicle will be towed to the wrecker lot or to the location designated by the supervisor.

IV. Procedure - Specific Incidents

A. Physically Arrested Persons

1. If the driver or owner is arrested and the vehicle is to be held for evidential purposes:
 - a. Impound the vehicle by towing it to the North Police Department, SLED, other police agency or to the towing company lot. The vehicle must be in a secure area inaccessible to the public until it is processed. The impounding officer is responsible for processing the vehicle, or making arrangements for other forensic experts to process the vehicle.

- b. If the vehicle is towed to the police station for search or evidentiary purposes, the impounding officer shall notify the wrecker to remove it immediately after search or evidence processing has been completed. The police "hold" will be released immediately after processing unless the vehicle itself must be presented in court as evidence.
 - c. A "hold" will not be placed on a vehicle except by permission from a supervisor or at the request of an investigator. The Chief of Police will be advised by the supervisor or requesting investigator when a hold is placed on a vehicle. A hold will be placed on a vehicle only for a valid, legal reason and shall be removed as soon as the hold is no longer necessary.
2. If the driver or owner is arrested and the vehicle is not to be held for evidential purposes, attempt to dispose of the vehicle as required under Section III B of this procedure or tow the vehicle.

B. Stolen/Recovered Vehicles

1. If the vehicle must be held for evidence processing, follow procedure in Section IV F of this procedure (Only in rare cases are vehicles needed to be held for evidence).
2. If vehicle is not to be held as evidence, contact the owner and have him/her come to the scene or wrecker company lot to claim his/her vehicle. Note: Make sure that all "stolen" entries in NCIC have been removed.

C. Vehicle Held on Request of Other Authorities

1. Contact the requesting authority and confirm the "want" for the vehicle. Obtain the name of the person confirming the request.
2. If they can respond immediately, release the vehicle to them and obtain a signed property receipt for it.
3. If the requesting authority cannot immediately respond, request a teletype message confirming that they authorize our agency to tow the vehicle, and upon receipt of the confirming teletype message:

Tow the vehicle to the Police Department or to any location designated by the requesting police agency. Inform the requesting agency that they are to assume custody of the vehicle. (Ref: CALEA 61.4.3, Item B)

D. Vehicle Unlawfully Parked on Street or Public Property

1. When a vehicle is parked unlawfully on the street or public property and is interfering with the safe movement of pedestrian or vehicular traffic:

- a. If the driver is immediately available and apparently physically and mentally capable, order the vehicle to be moved. The officer may issue a warning or a parking citation.
 - b. If driver is not immediately available or the auto is apparently inoperable, tow the vehicle and complete an Incident Report and inventory report recording the details of the location of the vehicle, registration information, reason for towing, and notification of the owner as required under Section III C of this procedure. Issue a parking citation.
2. If the vehicle is parked unlawfully on the street or public property and is not immediately interfering with the safe movement of pedestrian or vehicular traffic:

Issue a parking citation to the driver or affix the citation to the windshield of an unattended vehicle indicating that the vehicle is parked in violation.

(Ref: CALEA 61.4.3, Item B)

E. Wanted Person Operating a Vehicle

1. Where the vehicle is moving and the driver is the wanted person, follow Section IV A of this procedure.
2. If the vehicle is parked; confirm the want, and:
 - a. Contact a supervisor to ascertain if a stake-out on the vehicle is desired, If not;
 - b. Attempt to locate the wanted person, owner or driver of vehicle.
 - c. If the wanted person is located, follow Section III A of this procedure.
 - d. If unable to locate these persons, do not tow the vehicle unless it is a part of the criminal offense, or another jurisdiction confirms by teletype their request for impoundment. The vehicle may be towed if it is necessary to be held for evidence. An Incident Report and an inventory report must be completed and a hold placed on the vehicle, as outlined in Section IV F of this procedure.

F. Vehicles Held as Evidence

1. Call a wrecker, tow the vehicle to the North Police Department, SLED or tow company facility and place appropriate hold on vehicle. (Only in rare cases are vehicles needed to be held for evidence.)

- a. Arrange to protect the vehicle and its contents for evidence processing.

See Procedure concerning Property Room Management in Chapter 9 of this manual.

- b. Give full explanation in an Incident Report as to the basis for placing a hold on the vehicle and the anticipated date and time of release. Complete an inventory report. Do not inventory the vehicle before it is processed.
2. It shall be the responsibility of the impounding officer to make all necessary arrangements for processing the vehicle for evidence, and for arranging release of the vehicle to the owner. Upon completion of evidence processing, release the hold and proceed with notification of owner as specified in Section III C of this procedure.

G. Vehicles Parked on Private Property

When Police Department personnel respond to calls regarding vehicles on private property they will follow the procedure set forth below.

1. If the vehicle is obstructing driveways, handicapped spaces, fire lanes or other ingress or egress, the officer will attempt to locate the owner and have him/her move the vehicle immediately. If the violation is under jurisdiction of the Police Department, a parking citation will be issued. If unable to locate the owner, the officer will advise the property owner that he/she may order a wrecker and tow the vehicle.
2. If the vehicle is occupying a parking space or appears to be abandoned but not blocking ingress, egress, fire lane, etc., the police officer will ascertain if the vehicle is stolen or wanted for some other reason. If the auto is stolen, etc., the investigating officer will cause the auto to be removed in accordance with this procedure. If it is not stolen or otherwise wanted, the police officer will attempt to notify the registered owner of the vehicle on behalf of the property owner making the complaint. If the owner is unknown or cannot be located, the officer will advise the property owner that he/she may call a wrecker service of his/her own choosing and have the vehicle towed.

(Ref: CALEA 61.4.3, Item B)

H. Vehicles Involved in Traffic Accidents

1. When a parked vehicle is involved in an accident without the owner's knowledge, the officer will attempt to locate and notify the driver or owner in order to complete the Accident Report and have the vehicle removed if necessary. If legally parked and not a traffic hazard, do not tow. If parked illegally so as to interfere with traffic safety and the owner is not located, tow the vehicle using a rotation list wrecker.

2. When a vehicle is involved in an auto accident and the vehicle is not safe to drive, advise the owner/driver that he/she may call for a wrecker of his/her choice, or he/she may leave the vehicle legally parked if this is possible, or that you will summons a rotation wrecker. Advise the driver that he/she will be responsible for the costs of the tow.

I. Mechanically Disabled Vehicles

1. Responsibility for securing a wrecker for a mechanically disabled vehicle (not involved in accident) is that of the vehicle owner or driver who will be instructed to notify a wrecker of his/her choice. The officer can assist the motorist in contacting a wrecker of the owner's choice or at the motorist's request call for the next available wrecker on the rotation list at the owner's expense.
2. When the position of the vehicle is such that it creates a hazard to other motorists or pedestrians, the officer will attempt to protect the scene and assist the motorist in removing the vehicle from its hazardous position. If necessary, the officer may call for a wrecker of the motorist's choice or if the owner has no preference or is not available, the officer shall call for the next rotation list wrecker. (Ref: CALEA 61.4.1, Item B)

J. Impounding Vehicles Used in Certain Illegal Activities

1. A police officer shall impound any motor vehicle that is used in drug trafficking, DUI fourth or DUS fifth or subsequent offense or on which the VIN number has been altered. A police "hold" shall be placed on the vehicle. A detailed Incident Report and an inventory report shall be completed.
2. Whenever any vehicle is seized that may be subject to forfeiture to the North Police Department, the procedure for "Property/Assets Seized for Forfeiture Proceedings" as defined in Chapter 9 of this manual must be followed. Also see Section IV A 1 c of this procedure.

K. Administrative Policy for Towing Services on Rotation List

The Town of North has promulgated an administrative policy to regulate and guide the wrecker services that desire to be on the wrecker rotation list for the Town. This is a separate policy that is provided to each wrecker service on the rotation list. A copy of the administrative procedure is on file in the Chief's Office.

L. Abandoned Motor Vehicles

1. Whenever an officer is notified or observes an abandoned motor vehicle as defined by Town Ordinance, the vehicle may be towed in accordance with the Town Ordinance and this procedure. However, the officer should cite the owner or person(s) in control of the vehicle or property rather than merely tow the vehicle. Unless the vehicle is a hazard, is

stolen or does not have a current license plate, the officer will not take further action unless a complaint is filed by a citizen. If a complaint is filed, the officer will attempt to locate the owner and request that the owner move the vehicle immediately. If this cannot be completed, the officer will order the vehicle to be towed and will issue a summons to the owner if the owner can be located. The officer will file an Incident Report and inventory report.

2. In accordance with SC Code of Laws 56-5-5630, whenever an abandoned motor vehicle is towed and the owner is not immediately notified, the Department shall provide the last known registered owner and any lien holders of record information to the wrecker service within 15 days. If the owner's identity is unknown, one notice describing the vehicle must be published in a newspaper of general circulation (The State newspaper). The owner or any lien holders of record have three weeks to reclaim the vehicle after notification has been made. If the vehicle is not claimed, the wrecker service will be entitled to receive the title to the vehicle.

(Ref: CALEA 61.4.3, Item
A)

3. Pursuant to the Town Ordinance concerning abandoned vehicles, a vehicle that is found to have outstanding parking violations or other fines may be towed. Verification will be accomplished through the Clerk of Court, either orally or in writing. When the vehicle is towed, a "hold" will be placed on it until the unpaid bonds are posted with the Clerk of Court. The officer will file an Incident Report and inventory report.

M. Releasing Vehicles

1. Release of Vehicle at Scene

A vehicle that would normally be impounded may be released to the owner if he/she arrived at the scene before the wrecker actually hooked to the vehicle. The owner may be required to compensate the wrecker service for their travel to the requested destination. A citation may be issued for any existing violations.

2. Release of Impounded Vehicles

- a. Vehicles that have been towed and do not have a police hold on them will be released to the owner by the tow service once all tow and storage charges have been paid.
- b. Owners shall be informed that payment of impoundment and storage fees does not include payment for any traffic or parking citation.

- c. Total impoundment/storage charges may be obtained by telephoning the wrecker company that towed the vehicle.
- d. Vehicle Recoveries (Stolen Vehicles): Towing services may not charge the owner of a recovered stolen auto for towing or storing the vehicle pursuant to SC Code of Laws 56-5-5630 (c). The Town of North will assume no liability for the towing or storage of recovered stolen vehicles.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

7.14.1

Subject

**Use of Safety Belts/Occupant Restraints
in Police Vehicles**

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 41

Distribution

All Personnel

Re-Evaluation

Annual

Pages

1

I. Purpose

To minimize the possibility of death or injury as a result of accidents involving drivers and passengers in Department vehicles.

II. Discussion

There is available evidence indicating that the use of safety belts has a significant effect in reducing the number of deaths and the severity of injuries resulting from traffic crashes, and assisting officers in maintaining proper control of their vehicles in pursuit and/or emergency high speed operations.

III. Policy

- A. All persons, except where specifically exempted, shall use the safety belt restraining system while operating or riding as a passenger in a departmental vehicle while the vehicle is in motion. This policy shall not apply to persons occupying a seating position that is not equipped with a safety belt assembly or any officer possessing a written note from a physician to the Chief of Police that for medical or physical reasons the officer is unable to use the safety belt system.
- B. No person shall be transported in a departmental vehicle in which the safety belt system for that occupant is inoperable.
- C. There are circumstances in which use of safety belt restraining systems may hamper efficient conduct of police functions. Supervisors may grant exemption to this policy for specific situations in which they deem efficiency of operation outweighs the safety benefit.

(Ref: CALEA 41.3.4)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

7.15.1

Subject

**Police Vehicle Operation-General and
Non-Emergency Response**

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 41

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I. Purpose

To provide guidelines for the proper maintenance and care of police vehicles.

To provide guidelines for the proper use of take-home police vehicles.

To provide guidelines for non-emergency responses.

II. Policy

The care, maintenance and proper use of all police vehicles is delegated to the member of the Department to whom the vehicle is assigned or to the employee currently operating the vehicle. All officers are expected to operate police vehicles in a lawful manner exercising due regard for all others.

III. Procedures

A. Care and Maintenance

1. All officers must check the fluid levels, mechanical condition, tire condition (including the spare), lights, glass, brakes, emergency lights, siren, mobile radio and other assigned emergency equipment prior to the beginning of each shift.
2. Officers must make sure that the exterior and interior appearance of the vehicle is maintained daily.
3. Officers must immediately report all damage and deficiencies to their respective supervisor. Abuse to police vehicles will not be tolerated.
4. Officers are responsible for ensuring that deficiencies are corrected as soon as possible.

5. Officers must remove sensitive items such as shotguns, radar, citation books, weapons, etc. before sending the vehicle to a repair shop or other facility unescorted.
6. Officers will ensure that vehicles are at least $\frac{3}{4}$ full of gas at the end of the shift or when parking a spare car.
7. No electronic equipment or other electronically powered items will be wired into the vehicle electrical system without the approval of the Chief of Police.
8. No alteration to the vehicle appearance or emergency equipment will be made without the approval of the Chief of Police.
9. Spare cars must be signed out when being used. Operators are responsible for their care, maintenance and cleanliness.

B. Take-Home vehicles

1. Issued police vehicles are the sole property of the Town of North. In that regard, vehicles will be used for official business only. Any officer driving a police vehicle during off-duty hours is expected to be able to respond to any call if required. The officer shall advise the Communications Center of his/her status via the police radio.
2. Take home vehicles are a privilege that may be altered or rescinded by the Chief of Police.
3. Police vehicles may only be driven by members of this Department.
4. No police vehicles shall be driven in the course of actual performance of off-duty employment, personal visits (off-duty or on-duty) to lounges, bars, liquor stores or to acquire alcoholic beverages or to any other location that may bring discredit to the Department. The use of the vehicle for transportation to off-duty police-related employment is permitted.
5. Police officers are responsible for adhering to all applicable traffic and parking laws and ordinances.
6. If the officer lives outside the town limits, the Chief of Police will determine whether the officer may participate in the take-home car program.

C. Non-Emergency Response

1. Non-emergency responses are all situations except Code 2 and 3 responses (Chapter 7, Police Vehicle Operation-Emergency Response) and pursuits (Chapter 7, Police Vehicle Operation-Traffic Pursuit).

2. Non-emergency responses include routine patrol, cold calls, report only situations, situations not involving physical violence, or injury etc.
3. Traffic laws and speed limits will be observed at all times during routine patrol and non-emergency responses.
4. All officers are expected to drive with care and due regard avoiding abusive driving habits.
5. Officers shall not leave the geographic boundaries of the Town of North, except with the approval of a supervisor or when to do so is necessary for the expedient response to a call for service.
(Ref: CALEA 41.2.1)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
7.16.1

Subject
Police Vehicle Operation-Emergency Response

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 41 and SC Code of Laws, Title 56

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I. Purpose

To establish procedures for the operation of police vehicles involved in emergency responses.

To establish procedures for the operation of police vehicles involved in traffic functions.

To facilitate the safety of the public and personnel operating police vehicles in emergency conditions.

II. Definitions

- A. Code 1 A non-emergency response. All traffic regulations are adhered. It does not have to be announced by the officer via the radio as it is implied that all responses are Code 1 unless the responding officer announces otherwise.
- B. Code 2 An emergency response in which the blue lights and/or siren have not been activated or have been deactivated at a distance so as not to alert the criminal suspect(s) to law enforcement proximity. This response must be announced via the radio by the responding officer. The posted speed limit shall not be exceeded by more than 15 MPH and due regard must be exercised at all times. Code 2 responses should be used on a very limited basis and as is consistent with state law and Department procedure.
- C. Code 3 An emergency response in which the emergency lights and siren are activated throughout the response. The officer must announce the Code 3 response via the radio. The posted speed limit shall not be exceeded by more than 15 MPH and due regard must be exercised at all times. The 15 MPH speed restriction is not applicable in pursuit responses (see Chapter 7, Police Vehicle Operation-Traffic Pursuit) or when attempting to catch up to a traffic violator.

III. Policy

The safety of the public and of themselves will be the primary concerns of officers involved in operating police vehicles to regulate traffic, to enforce traffic laws and to respond to calls. All other functions (such as investigations, apprehension, patrol, etc.) will be subordinate to protecting the public and themselves from harm.

IV. Procedure

A. Emergency Operation of Police Vehicles (Code 3/2 Response)

1. Emergency responses will be authorized only where human life is threatened or when serious personal injury appears imminent. In that regard, supervisors may authorize, but not be exclusively limited to, the following emergency responses:
 - a. Officer needs assistance.
 - b. Report of an explosion or fire with persons possibly trapped.
 - c. Report of a shooting, stabbing, other serious assault, drowning, armed robbery, burglary, or rape in progress or just occurred.
 - d. Unknown trouble in which violence is believed to be involved.
 - e. Auto accidents with injury or death.
2. In general, emergency responses will not be made for the following types of calls unless information furnished would warrant waiver of this policy by the supervisor:
 - a. Activated alarm.
 - b. Traffic accident.
 - c. Fight, domestic quarrel.
 - d. Fire or EMS call.
 - e. Suicide.
 - f. Deceased person.
 - g. Back up.
 - h. "Cold" calls (occurred sometime in the past).
 - i. 9-1-1 hang up call.

3. It is the responsibility of the officer to announce by radio when he/she is operating a Code 3 or Code 2 response and whenever the officer changes the response code. In non-emergency responses (Code 1) it is implied that the officer is responding in a non-emergency mode and it does not need to be announced by radio.
4. Supervisors are responsible for monitoring Code 3 and Code 2 responses and have the authority and responsibility to cancel, downgrade or upgrade the response as they deem necessary. Failure of officers to announce Code 2/3 responses by radio is considered a serious violation of this procedure.
5. Regardless of the nature of the emergency, personnel operating police vehicles shall not operate the police vehicles in such a manner as to endanger the lives and/or property of others or of themselves.
 - a. They shall at all times consider road, traffic and weather conditions and their abilities to control the police vehicles under such adverse circumstances.
 - b. While police vehicles are being operated on an emergency basis, Code 3, the emergency lights and siren must be in operation at all times; except that the emergency lights and/or siren may be deactivated at a distance (to be determined by the vehicle operator) so as to not alert the criminal suspect(s) to law enforcement proximity. (SC Code of Laws 56-5-760) This response is Code 2.

Code 2 responses may only be used in response to emergency calls in which a crime is in progress and the responding police vehicle is close enough that the emergency lights may be seen or the siren may be heard.

In all other emergency responses all emergency equipment (lights and siren) will be used throughout the response.

- c. Vehicles that are not equipped with emergency lights and siren shall not be operated on an emergency basis. (SC Code of Laws 56-5-4700 and 56-5-4970)
- d. Operators of unmarked vehicles are advised that while operating in an emergency mode a high degree of caution is to be exercised due to the fact that unmarked vehicles may not be readily identifiable to the public as emergency vehicles. Operators of unmarked vehicles shall place a flashing blue light on top of the vehicle when responding Code 3 if the vehicle is not equipped with adequate emergency lights.

- e. No operator shall at any time operate a police vehicle at a rate of speed that might cause loss of control of the vehicle. At no time will the maximum speed of a Code 3 or Code 2 response exceed 15 MPH above the posted speed limit.
 - f. Operators should pass, if possible, to the left of vehicles traveling in the same direction.
 - g. Operators may cross dividing lines to overtake and pass only when there is no oncoming traffic or when all oncoming traffic has yielded to the right and there are no left turns being signaled by the vehicles to be passed.
 - h. Operators shall not make sudden turns across moving traffic, sudden U-turns or other changes of direction unless such movements may be made safely.
 - i. Officers, in attempting to acquire evidence for a speeding violation, may elect not to activate the emergency equipment if this may be done in a safe manner. (SC Code of Laws 56-5-760) In such cases the officer may exceed the posted speed limit, and then only for as short amount of time as is possible, without activating the emergency lights and siren. As soon as the evidence is obtained, the officer must activate the emergency lights and/or siren. Note: The "pacing" of violators is not the preferred manner of acquiring evidence of speeding and should be used only when there is a gross violation of the law.
 - j. Nothing in this procedure is intended to prohibit a police officer from exceeding the posted speed limit, as is required, to catch up to a traffic violator. However, the officer must continue to exercise due regard and if the officer's speed exceeds 15 MPH over the posted speed limit, the emergency lights and siren must be activated.
 - k. When it may be done with due regard for the safety of themselves and others, officers, on a limited basis, may elect not to activate the emergency equipment when surveilling another vehicle or its occupants who are suspected of involvement in a crime (SC Code of Laws 56-5-760). In such cases, the officer may not exceed 15 MPH above the posted speed limit.
4. When approaching any intersection under emergency conditions, the following procedures shall be followed:
- a. The operator of the police vehicle shall stop the vehicle before entering the intersection and yield the right-of-way to all vehicles and pedestrians who are close enough to be an immediate hazard.

- b. Enter the intersection only when it is safe.
- c. Resume speed only when it is safe.

(Ref: CALEA 41.2.1)

B. Pursuit Driving

Refer to Chapter 7, Police Vehicle Operation-Traffic Pursuit.

C. Use of Emergency Equipment

Officers will use emergency equipment only when authorized to do so by written procedures or by a supervisor, when required by the nature of their dispatched assignment, or when emergency situations confront them that indicate the need for the use of emergency equipment.

1. Emergency Blue Lights/Headlight Flashers

- a. This equipment is used in conjunction with the siren to signal other users of the roadway that emergency conditions exist and the right-of-way should be relinquished to the police vehicle. It cannot be safely assumed by the officer that the lights and siren will be sufficient to assure the right-of-way, even though state law requires that emergency vehicles be yielded the right-of-way under emergency conditions.

Even when both the emergency lights and siren are in simultaneous operation, officers are still obligated to drive with due regard for the safety of all persons using the street or highway.

- b. Emergency lights will be used in the following circumstances:
 - (1) When operating under emergencies outlined in Section A 1 of this procedure. This includes all pursuits, all Code 3 and most Code 2 responses.
 - (2) When stopping traffic violators.
 - (3) When assisting motorists parked/stopped in hazardous locations.
 - (4) When a patrol vehicle is parked/stopped on the roadway.

2. Siren

- a. The siren is to be used simultaneously with the emergency lights when in pursuit, or initiating a Code 3 response, except as stated in Section IV 5 b of this procedure (Code 2).

- b. The siren may be used to signal violators to stop when other means of attracting the violator's attention have failed. The vehicle horn should be sounded first to attract the violator's attention.
- 3. Hazardous Warning Lights (Four-way Flashers)
 - a. If both the police and violator's vehicles are parked safely off the roadway, the officer may turn off the overhead blue emergency lights to diminish the distracting effect on other motorists. Under these circumstances, the officer may use the flashing hazardous warning light instead.
 - b. During an emergency response or pursuit the four-way flashers shall not be used when the police vehicle is in motion as it may interfere with the operation of the brake lights or turn signals.
- 4. Spotlight/Take Down Lights
 - a. These lights should be used as protection for the officer on traffic stops, especially when dealing with known or suspected felons. For example, following a traffic stop, the spotlight and/or take down lights may be used to illuminate the interior of the violator's car so all occupants are kept within view and at a distinct disadvantage when looking back toward the police vehicle and officer. The officer should exercise care to avoid being a silhouette from the light.
 - b. The spotlight will not be used to signal violators to stop.
- 5. Public Address System
 - a. The public address system may be a valuable tool when stopping a traffic violator. The desired actions of the violator can be directed from a safe distance, minimizing the hazard to the officer.
 - b. The public address system is also valuable in directing persons when unusual conditions exist, such as when the roadway is temporarily obstructed, alerting pedestrians to hazardous conditions, and other emergencies, such as alerting the occupants of a building fire, etc.

D. Traffic Obstruction by Police Vehicles

- 1. Personnel operating police vehicles shall not position police vehicles in a manner that will impede, inhibit or block the flow of traffic unless it is necessary to do so to accomplish any of the following:

- a. Protection of life and/or property.
 - b. Protection of an area for the purpose of investigation, such as an accident or crime scene.
 - c. The expediting of the right-of-way for emergency vehicles, funeral processions and/or convoys in which the Police Department has been assigned to assist.
 - d. Under emergency circumstances where it is not feasible to park or stand otherwise.
2. Other traffic control situations requiring such action as part of reasonable and prudent police assistance such as assisting the Fire Department at fire scenes, etc.
3. On any occasion that a police vehicle is so positioned as to impede, inhibit or block the flow of traffic, all emergency lights including blue lights, flashing headlights and four-way flashers shall be placed in operation.
4. At no time will a police vehicle be parked on a railroad track or within four feet of the nearest rail at a railroad crossing.
5. The following procedures shall apply when requesting or directing any emergency vehicle or other vehicle, including police vehicles, fire department vehicles, ambulances, and wreckers, to proceed in a direction opposing the normal flow of traffic on the highway:
 - a. This type approach shall not be executed if the service can be rendered by approaching in the proper direction.
 - b. When furnishing information as to location, be specific as to traffic conditions and the best lane of approach.
 - c. Notify the operators of the requested equipment to enter the street or exit ramp nearest the point of traffic blockage.
 - d. There must be a complete blockage of all traffic lanes in the affected direction prior to the approach of the requested equipment.

(Ref: CALEA 41.2.1)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

7.17.1

Subject

Vehicle, Bicycle and Foot Pursuits

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 41 and SC Code of Laws, Title 56

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I. Purpose

To provide common guidelines for North Police Department officers when engaged in pursuit activity so as to minimize any potential danger to North Police Department officers, the general public and fleeing suspects involved in a pursuit.

II. Policy

It is the policy of the North Police Department to adhere to all laws pertaining to and governing vehicle pursuits in accordance with SC Code of Laws 56-6-760, 56-5-4700, and 56-5-4970, or those involved in a bicycle or foot pursuit.

All Department personnel operating vehicles in a law enforcement capacity shall be thoroughly familiar with the laws of the State of South Carolina concerning the use of emergency vehicles and equipment, as well as applicable departmental procedures.

It is important to remember that traffic law exemptions provided by State law, such as those in SC Code of Laws 56-5-760, are contingent upon due regard for the safety of all persons. The courts have frequently considered this phrase as placing a higher burden of responsibility on police officers, as opposed to a lesser one. Any question regarding applicable laws and procedures should be promptly directed to a supervisor.

Officers must consider the deadly force potential of a pursuit and must adhere to the Department policy concerning Deadly Force.

Following the termination of any pursuit, involved departmental members shall cooperate fully in all post incident evaluations, critiques or investigations.

III. Definitions

- A. Suspect A person who has committed or is alleged to have committed a crime.
- B. Foot Pursuit An attempt by an officer on foot to apprehend a suspect who is attempting to avoid apprehension on foot.
- C. Bicycle Pursuit An attempt by an officer on bicycle to apprehend a suspect who is attempting to avoid apprehension on foot, on bicycle or any means other than a motor vehicle.
- D. Pursuit Vehicle Any authorized law enforcement emergency vehicle that is involved in pursuing a fleeing vehicle.
- E. Traffic Pursuit Pursuit is considered to have begun when an officer makes a vehicular attempt to apprehend the occupant(s) of a motor vehicle when the driver has been requested or signaled to stop and is resisting apprehension by maintaining or increasing the vehicle's speed or otherwise maneuvering his/her vehicle in a manner to elude the officer.

Under this definition, it is the violation who initiates a pursuit, and the officer must then make a series of decisions as to whether the pursuit shall continue or be terminated.
- F. Vehicular Pursuit An attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect in a motor vehicle who is attempting to avoid apprehension by maintaining or increasing vehicle speed and/or driving in an attempt to elude the officer.
- G. Violator Person(s) who initiates a pursuit by attempting to avoid apprehension
- H. Primary Pursuit Officer The officer who initiates a pursuit or any other officer who assumes control of a pursuit.
- I. Secondary Pursuit Officer The officer(s) who assist the primary pursuit officer.
- J. Supervisor Any officer of the North Police Department holding a supervisory rank.

IV. Procedure

- A. The decision to continue a pursuit shall lie with the individual officer, after evaluating the restrictions imposed by this procedure, as well as the wide variety of mitigating factors. These factors shall include, but not be limited to, the seriousness of the offense and its relationship to community safety; time, day and location of the pursuit; weather and roadway conditions; vehicular and pedestrian traffic/presence; familiarity with roadway design; capability and quality of police equipment including the vehicle and communications; pursuit speeds and evasive tactics by the offender; the officers' confidence in their own driving skills; the age of the violator, if a juvenile; whether the violator's identity is known, etc.
- B. Standards applied to evaluation and critique of the pursuit as well as the decision to continue the pursuit shall include, among other factors, the following questions:
 - 1. If the pursuit should or reasonably could have resulted in injury or death to any person or significant property damage, would a reasonable person understand why the pursuit occurred or was necessary?
 - 2. Did the dangers created by the pursuit incident exceed the danger created by allowing the perpetrator to escape?
(Ref: CALEA 41.2.2, Item A)
- C. Vehicle Pursuit
 - 1. The pursuit is justified only when necessity of the apprehension of a suspect outweighs the risks created by the pursuit.
 - 2. The decision to initiate a pursuit shall lie with the primary pursuit officer. The primary pursuit officer shall also determine whether to continue a pursuit unless otherwise instructed by a supervisor to terminate the pursuit.
 - 3. The primary pursuit officer must consider the following circumstances and conditions before initiating a pursuit, or during a pursuit to determine if the pursuit should be continued.
 - a. The seriousness of the original offense that led to the pursuit.
 - b. The time, day and location of the pursuit.
 - c. The weather and road conditions.
 - d. The presence and volume of vehicular and pedestrian traffic.
 - e. The officer's familiarity with the pursuit area.
 - f. The presence of passengers in the fleeing vehicle.

- g. The known mechanical condition of the pursuit vehicle, including its emergency and communication equipment.
 - h. The probability of apprehending the fleeing suspect through continued pursuit or identifying the suspect at a later date.
 - i. Other circumstances or conditions that may present a hazard.
- 4. An officer shall not become involved in a pursuit when passengers other than law enforcement personnel are in a patrol unit. An officer shall not engage in a pursuit when other persons or prisoners are present in the officer's vehicle.

D. Primary Pursuit Officer

- 1. The primary pursuit officer will:
 - a. Be in control of the pursuit and maintain a reasonable following distance from the fleeing vehicle to ensure proper reaction time and braking distance.
 - b. Immediately notify the appropriate communication center of the pursuit. The following information will be reported, if known.
 - (1) Description and license information of the fleeing vehicle;
 - (2) Location, direction of travel and approximate speed of the fleeing vehicle;
 - (3) Initial reason for the pursuit;
 - (4) Number of occupants and their description;
 - (5) Any other pertinent information.
 - c. Continuously use blue lights and siren during the pursuit, unless specific permission to do otherwise is received from a supervisor.
 - d. Communicate complete, accurate and timely information to Communications' personnel throughout the pursuit. The primary pursuit officer may delegate this task to the secondary pursuit officer.
 - e. Provide or arrange for assistance to persons who may be injured during the pursuit if there is no other officer in the immediate area to provide or arrange for assistance.

2. In the event the officer who initiated the pursuit is not present when the fleeing suspect is apprehended, that officer should proceed to the appropriate location to identify the suspect or vehicle and take the suspect into custody, if feasible.
3. The primary pursuit officer shall complete a detailed Incident Report after the pursuit has been terminated.

E. Secondary Pursuit Officer

The secondary pursuit officer will:

1. Notify Communications' personnel and the supervisor when joining the pursuit.
2. Maintain a reasonable following distance from the primary pursuit vehicle to ensure proper reaction time and braking distance.
3. Take responsibility for radio communications if assigned by the primary pursuit officer.
4. Provide first aid to any person injured during the pursuit, and, if necessary, notify Communications to dispatch an ambulance to the scene.
5. Assume the primary pursuit vehicle position if instructed or if it becomes necessary.

F. Terminating a Pursuit

1. The pursuit shall be terminated when:
 - a. The primary pursuit officer determines it is necessary or when directed by a supervisor; or
 - b. The danger of continuing the pursuit outweighs the need to apprehend the suspect; or
 - c. The identity of the suspect is known and immediate arrest is not necessary; or
 - d. The distance between the pursuing officer and the suspect is so great that further pursuit is futile.
2. The primary pursuit officer shall notify Communications' personnel that the pursuit has been terminated and shall state the time and location where the pursuit was terminated.

3. An officer involved as the primary officer may opt to terminate a pursuit at any time.
4. A supervisor may terminate a pursuit at any time.

G. Vehicles Used for Pursuits

1. All pursuit vehicles will be authorized law enforcement emergency vehicles, equipped with Department issued lights and siren. When feasible, the primary and secondary pursuit vehicles will be fully marked patrol vehicles.
2. No more than two vehicles should be used in direct pursuit of a fleeing vehicle, unless circumstances dictate an identifiable need and the use of additional vehicles has been authorized by a supervisor.
3. Appropriate emergency equipment (i.e. blue lights and siren) on authorized emergency vehicles shall be used during pursuits.

H. Involvement of Other North Police Department Officers

1. All officers who may be of assistance or may provide any related information regarding a pursuit will immediately inform Communications' personnel and the appropriate supervisor.
2. Officers not involved in the pursuit as a primary or secondary pursuit vehicle should:
 - a. Remain aware of the direction and progress of the pursuit;
 - b. Not respond or parallel the pursuit in an emergency response mode unless directed by a supervisor.

I. Communications' Personnel

During a pursuit, communications personnel will:

1. Clear the radio channel of non-emergency transmissions by advising all other mobile units and communications centers that a pursuit is in progress.
2. Notify the appropriate supervisor(s) and broadcast any pertinent information regarding the status of the pursuit as needed.
3. Coordinate and manage radio traffic associated with the pursuit.
4. Conduct appropriate checks of license plate number and relay other information concerning the fleeing vehicle or driver, if necessary.

5. Immediately notify responding units and any other agencies that may have been involved when the pursuit is terminated.

J. Supervision of Pursuits

The supervisor will:

1. Continuously evaluate the pursuit and will order the termination of the pursuit when it appears to constitute an unreasonable risk.
2. Evaluate the circumstances surrounding the pursuit to determine the need for additional law enforcement assistance.
3. Ensure that the primary pursuit officer completes a detailed Incident Report upon termination of the pursuit. The supervisor may also require other officers involved in the pursuit to submit a written statement.
4. Ensure that any Department vehicles involved in a pursuit are inspected for proper safety and mechanical operation as soon as practicable after the pursuit has ended. Ensure that any damage to Department vehicles is reported, documented and investigated in accordance with applicable policies.

K. Forcible Stops

1. Forcible stops involve the use of a vehicle to force another vehicle to stop. Forcible stops constitute deadly force and are not authorized unless the use of deadly force is justified and authorized by a supervisor. As such, forcible stops shall be used typically only in extreme cases to effect the lawful arrest of a person:
 - a. Who has committed, or attempted to commit, a felony involving the use of deadly force;
 - b. Who is attempting escape by the use of deadly force;
 - c. Who may endanger life or inflict serious physical injury unless arrested.
2. The implementation of a forcible stop should be carefully weighed by a supervisor against the safety of all officers involved in the pursuit and other persons in the area.
3. Officers shall not discharge a firearm at or from a moving vehicle unless the use of deadly force is justified and there is a substantial probability that the projectile will not strike any person other than the suspect(s).

4. There shall be no deliberate contact made between vehicles involved in a pursuit as a means of attempting to stop the suspect's vehicle, except when deadly force is justified.

L. Other Agencies or Jurisdictions

When other agencies pursue vehicles and need assistance from North Police Department officers, the following shall govern the North Police Department officer(s) involvement:

1. Officers shall not assist in a pursuit unless specifically requested by the pursuing agency and a supervisor approves such pursuit.
2. If a North Police Department unit and the pursuing agency's back-up unit arrives to assist the pursuing agency, the North Police Department unit will terminate active pursuit and cease emergency operation unless instructed otherwise by a supervisor.
3. When assisting other agencies involved in a pursuit, the supervisor and officer should determine:
 - a. The speed, direction and roadway used by the fleeing vehicle.
 - b. The offense(s) committed by the fleeing driver, including the initial reason for attempting to stop the subject.
 - c. Whether the driver is armed or otherwise considered dangerous.
 - d. The method of communication to be used between the officers of the agencies involved in the pursuit.
4. Officers assisting other agencies shall:
 1. Advise the Communications Center of the pursuit.
 2. Cooperate with the reasonable and lawful efforts of the initiating agency to stop the vehicle.
 3. Continue to evaluate the pursuit and terminate North Police Department participation in the pursuit if the danger of continuing the pursuit outweighs the need to apprehend the suspect, or when directed by a supervisor.
 4. Due to limited radio communications with other agencies, the supervisor shall constantly evaluate the pursuit and terminate the pursuit if necessary.

M. Pursuits into Other Jurisdictions

1. Pursuits shall not cross the Orangeburg County line.
2. When approaching the county line, the primary pursuit officer will inform the Communication Center of the pursuit location and request the other county be notified and supplied with all available information regarding the pursuit.

N. Pursuits from Other Jurisdictions

1. Officers should provide reasonable assistance to police officers who are legally in pursuit of a vehicle that crosses into the Town of North.
2. Officers should consider all available information to evaluate the solution and determine the appropriate course of action.

O. Pursuit Summary and Review

1. The responsible supervisor will begin a review of the pursuit as soon as practical following the termination of the pursuit. This includes a written Incident Report submitted by the primary pursuit officer and other designated officers as determined by the supervisor.
2. If the pursuit resulted in damage to a Department vehicle, all policies and procedures related to accidents involving Department vehicles shall be followed.
3. The supervisor will compile existing evidence and data related to the incident for a thorough review.
4. The supervisor will forward all pertinent information to the Chief of Police for review. If any misconduct is determined, the appropriate investigation and action will be taken in accordance with applicable Department policies.

P Training

All officers operating a law enforcement emergency vehicle shall successfully complete a course of instruction relating to emergency vehicle response operation and pursuit operation. Appropriate training on vehicular pursuit policy and procedure will be included as part of the basic training curriculum. Similar training will be provided as needed during in-service training sessions.

Q. Bicycle and Foot Pursuits

1. To achieve a reasonable degree of safety prior to engaging in a bicycle or foot pursuit, an officer shall if possible, notify a communication center and another officer of the exact location, direction of pursuit, nature of offense, identity and/or physical description of the suspect and any other pertinent information.
2. The primary pursuit officer engaged in a bicycle or foot pursuit shall, prior to initiating the pursuit, remove ignition keys, if applicable, and secure the law enforcement vehicle. In addition, where practical, the officer should remove the ignition keys and secure the suspect's vehicle, if applicable.
3. Officers shall not fire any warning shots in an attempt to halt the flight of the suspect(s).
4. A bicycle or foot pursuit shall be terminated when:
 - a. The danger of continuing the pursuit outweighs the need to apprehend the suspect; or
 - b. The officer has lost both sight and sound of the suspect; or
 - c. The distance between the pursuing officer and the suspect is so great that further pursuit is futile; or
 - d. Directed by a supervisor.
5. The pursuit officer shall notify Communications' personnel that the pursuit has been terminated and shall state the time and location where the pursuit was terminated.
6. If the suspect was not apprehended the officer shall notify Communications' personnel and a perimeter to contain and prevent escape may be established where necessary and approved by a supervisor.
7. The primary pursuit officer shall submit a written Incident Report on the bicycle or foot pursuit. The report should note any injuries received by the pursuing officer or by the suspect.

R. Critique of Pursuit

1. The officer(s) engaged in a pursuit must file an Incident Report detailing the pursuit activity and route even if the subject is not apprehended.

2. The on-duty supervisor must complete the Vehicle Pursuit Report for all pursuits and submit the report to the supervisor by the end of the shift. The Chief's designee will review the report and forward it to the Chief of Police.
3. Each pursuit will be critiqued by the reporting supervisor and the Chief of Police. The reports are filed in the Chief's office.

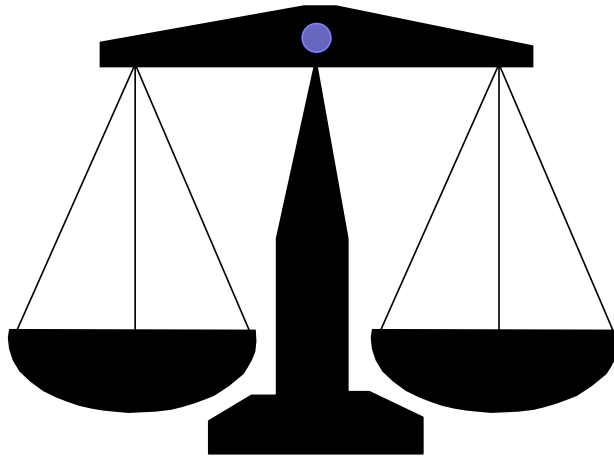
(Ref: CALEA 41.2.2, Item I)

Mark P. Fallaw
Chief of Police

Date

North Police Department

North, South Carolina



"An Effective and Efficient Agency"

Policy and Procedure Manual

Chapter 8- Criminal Investigations

Mark P. Fallaw
Chief of Police

Chapter 8 – Criminal Investigations

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CALEA Chapter 42

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I. Purpose

To define the criminal investigation function and assign responsibility for thorough and timely preliminary and follow-up investigations of criminal offenses.

To establish guidelines for clearance of cases and maintaining investigative records systems.

II. Policy

The investigation of criminal offenses is an integral part of each officer's duties and essential to the accomplishment of the police mission. It is the policy of this Department that all officers shall participate in the criminal investigation function, whether assigned as an investigator or to uniformed patrol.

III. Procedure

- A. There shall be a criminal investigative component consisting of a Criminal Investigations Division. The Chief of Police shall assign officers to the investigative component on the basis of need. The officers assigned to the criminal investigative component may be of any rank, usually Police Sergeant, and shall be selected by the Chief of Police on the basis of skills, knowledge, ability, and expertise in interviewing, analytical thinking, and other traits necessary to carry out the responsibilities of the position as outlined in this procedure. (Ref: CALEA 42.2.5)

The Captain shall assume the responsibilities of the Sergeant of Investigations when the position is vacant.

1. Officers assigned to the investigative component shall bear the same rank title(s) and salary schedule as officers assigned to the Patrol Division. They may be called by the title of Investigator. They shall receive no additional compensation in excess of officers of similar rank in patrol assignments. There shall be a Sergeant assigned to the Criminal Investigations Division as the officer in charge of the division.
2. All officers assigned to the investigative component serve in these positions at the pleasure of the Chief, and may be assigned in uniform, business attire, or casual clothes as designated by the Sergeant of Investigations.
3. The Criminal Investigations Division will schedule one of its members to be "on-call" for emergencies that may occur during non-business hours that require the presence of an investigator. The name of the on-call investigator will be posted in the Patrol Division squad room. The Sergeant of Investigations is responsible for ensuring the availability of an investigator for after-hours emergencies. If the on-call investigator cannot be contacted, (due to leave, out-of-town training, etc.), the Sergeant of Investigations shall be notified.

(Ref: CALEA 42.1.1)

B. Preliminary Investigations

Preliminary investigations of all types of offenses shall be the responsibility of the patrol officer dispatched to the scene and/or the patrol supervisor, unless and until such time as the patrol supervisor, Sergeant of Investigations or Chief of Police specifically designates otherwise.

1. The patrol supervisor will call for the services of the Criminal Investigations Division in cases of murder, suicide, natural death, felony assault, sexual assault, armed robbery, arson and burglary or whenever, in the supervisor's opinion, the case is unusually serious or complex or there is an indication that an immediate lengthy investigation leading into other jurisdictions may be required.
2. The preliminary investigation begins immediately upon the arrival of officers at the scene of an incident or upon taking a report, and continues until such time as a postponement of the investigation or transfer of responsibility will not jeopardize the successful completion of the investigation. One of the main goals of the preliminary investigation is to identify leads or clues as to the identity of the offender and to locate and preserve evidence. (Ref: CALEA 42.1.4)
3. The officer charged with the preliminary investigation shall attempt to discover any of the solvability factors presented in section F of this procedure and any other pertinent information by following the steps listed below in conducting preliminary investigations: (Note: Some investigative checklists are available to aid in criminal investigations and may be used by the investigating officer.)

- a. Observe all conditions, events and maintain the integrity of the crime scene to ensure that evidence is protected and not lost or contaminated; (Ref: CALEA 42.2.2, Item A)
- b. Locate and obtain complete identification of all witnesses; (Ref: CALEA 42.2.2, Item B)
- c. Maintain the crime scene, protect it and arrange for the collection of evidence. Access to the crime scene will be restricted to those officers involved in processing the crime scene; (Ref: CALEA 42.2.2, Item C)
- d. Interview the complainant, victims and all witnesses to determine what information is known, and obtain written statements from each for later review; (Ref: CALEA 42.2.2, Item D)
- e. Determine the identity of the suspect or suspects and effect an arrest if it can be accomplished either at the scene or through immediate pursuit; (Ref: CALEA 42.2.2, Item E)
- f. Provide aid to the injured;
- g. Determine if an offense has actually been committed and, if so, the exact nature of the offense;
- h. Furnish other field units, through the radio communications system, descriptions, method and direction of flight, and other relevant information concerning wanted persons or vehicles;
- i. Determine, in detail, the exact circumstances of the offense;
- j. Advise the suspect of his/her Constitutional rights, interrogate the suspect and attempt to obtain either a written or taped verbal statement, if such statements can be obtained legally, and;
- k. Accurately and completely record all pertinent information on the prescribed departmental report forms. (Ref: CALEA 42.2.2)

C. Case File Management

- 1. A written or computerized log shall be established and maintained by the Criminal Investigations Division in which is entered the case number, the officer assigned to complete the follow-up investigation, and the current status of all cases in the calendar year. (Ref: CALEA 42.1.3, Item A)

2. Criteria for Follow-Up Investigations - all cases reported to police that have any one or more solvability factors will involve a follow-up investigation, at least to include a "second contact" with the victim. The Criminal Investigation Division, under the supervision of the Sergeant of Investigations, shall designate police officers to conduct follow-up investigations and/or "second contacts" with the principals involved in reported cases. The name of the assigned officer shall be recorded in the criminal investigation case log.
3. An administrative designation of "active," "administratively (admin.) closed," "cleared by arrest," "exceptionally cleared," or "unfounded" shall be assigned to each case, as appropriate, to assist in case management and control.
 - a. "Active" indicates that the case is assigned to an officer and investigative efforts are active and ongoing.
 - b. "Admin. Closed" indicates all available leads have been exhausted, but the case has not been brought to a conclusion and investigative efforts may be resumed if new evidence or leads are discovered at a later date.
 - c. "Cleared by Arrest" indicates the case has been cleared by the arrest of the offender or the issuance of an arrest warrant for the offender.
 - d. "Exceptionally Cleared" indicates the case has been cleared due to death of the offender, no prosecution, extradition denied, victim declines to cooperate or juvenile - no custody.
 - e. "Unfounded" indicates that the alleged offense did not occur.
(Ref: CALEA 42.1.3, Item B)
4. The investigating officer will maintain a case file for all assigned cases. The types of records to be maintained in the case file are: Incident Reports, investigator case log reports, Booking Reports, statements, copies of warrants, photos and lab reports.
(Ref: CALEA 42.1.3, Item C)
5. The investigative case files will be accessible for review by any member of the Department on a legitimate need to know basis. An exception is when there is material of a highly sensitive nature as determined by the investigator assigned to the case. On these occasions the investigator will put a statement in the front of the case file stating that access to the file is restricted and must have his/her permission to review the file.
(Ref: CALEA 42.1.3, Item D)

D. Follow-up Investigations

The purpose of the follow-up investigation is to discover additional information in order to clear a case, identify and arrest an offender, recover stolen property, gather additional evidence, and present this evidence in court prosecution. Either patrol officers or personnel from the investigative component may be assigned to follow-up investigations. The following measures will be used as a standard in conducting all follow-up investigations, and these efforts will be documented on the supplemental investigative report:

1. Reviewing and analyzing all previous reports prepared in the preliminary stage, checking Department records for other reports of like nature or with the same subject and review of any laboratory examinations;
2. Conducting additional follow-up inquiries, interviews and interrogations of victims, witnesses, responding officers and/or suspects;
3. Seeking additional information through interviews (of uniformed officers, informants, etc.);
4. Planning, organizing, and conducting searches and collecting physical evidence. Searches are not required in all cases. The investigator is responsible for the collection and processing of the crime scene or for requesting a SLED forensics team to assist. The investigator is responsible for collecting physical evidence, properly logging the evidence in the Property Room, maintaining the chain of custody, and arranging for examination of that evidence by forensic experts;
5. Identifying and apprehending suspects to include the use of physical and photo lineups;
6. Determining involvement of suspects in other crimes of a similar nature;
7. Checking suspects' criminal histories at local, state (SLED) and national (NCIC) levels.
8. Preparing cases for court presentation by ensuring that case files are complete and accurate, that lab examination reports are on file and witnesses can be located; and,
9. Making a "second contact" with the victim in a case requiring follow-up investigation or when the case is to be administratively closed.

(Ref: CALEA 42.2.3)

E. Second Contacts

1. In general, a "second contact" will be made by the officer assigned to the investigation with the victim and/or other principals within five days from the date of the initial report to this Department. The main purpose of this "second contact" after a lapse of several days is to ascertain if the victim has remembered additional information, or if any other information has surfaced that may lead to a successful clearance of the case. Maintaining a policy of "second contact" also indicates that the Department is genuinely concerned about the welfare of the victim and other citizens associated with the case.
2. Whenever the status of any case becomes changed, the assigned investigating officer must notify the complainant or victim of the change in status. This notification must be noted on the Supplemental Report. For instance, if there are no investigative leads discovered in the case to justify keeping it open, the officer will make his/her second contact and discuss the case with the victim. The officer may then advise the victim that he/she is placing the case in "Admin. Closed" status, which means that it will not be actively pursued at this time, but will be reopened if there are any investigative leads or further evidence developed at a later date.

(Ref: CALEA 42.2.3)

F. Case Screening System - Solvability Factors

A solvability factor is information about a crime that can provide the basis for determining who committed that crime. Department experience has shown that when a preliminary investigation or second contact fails to disclose one or more of these solvability factors, the case will have very little chance of being solved. The following solvability factors will be used by this Department to assign cases for follow-up. If any of these factors exist, a follow-up investigation is warranted. If no such solvability factors exist, then the investigation may be suspended and the case may be administratively closed. The solvability factors include:

1. The suspect can be named;
2. The suspect can be identified;
3. The address of the suspect is known;
4. There is a possibility that the suspect can be located;
5. The vehicle license plate number used in the crime is known;
6. There is a possibility that the vehicle used in the offense can be identified or located;

7. There was traceable property (by serial number or uniqueness of the property) taken in the offense;
8. There exist identifiable latent fingerprints to be submitted for attempted match through the AFIS system;
9. A significant modus operandi can be developed, or a distinctive pattern of similar crimes exists in the same general location or during the same time period;
10. It is reasonably suspected that there was a limited opportunity to commit the crime;
11. There is reason to believe that the crime may arouse such public interest that public assistance may lead to crime solution;
12. There are reasons to believe that further investigative effort will lead to the solving of the crime.

The Sergeant of Investigations or the Chief of Police can direct that any case be assigned for investigation.

The assigned investigator will be the principal or lead investigator and all other involved officers will assist the assigned or lead investigator.

(Ref: CALEA 42.1.2)

G. Clearing or Suspending Cases

Investigative efforts on a case may be suspended when any of the following occurs:

1. Case is "Cleared by Arrest" - When an offender is arrested, charged with a pertinent offense, and measures have been taken to recover all property involved in the case where the location of the property is known.
2. Case is "Cleared Unfounded" - Whenever investigation shows that an offense did not occur, and there are sufficient reasonable grounds to support this premise.
3. Case is "Exceptionally Cleared" - Whenever, due to exigent circumstances beyond the investigator's control, the identity of the perpetrator is known and prosecution is not possible. In order to qualify for an exceptional clearance, the answer to all four of the following questions must be "Yes."
 - a. Has the investigation definitely established the identity of the offender?

- b. Is there enough evidence to support an arrest, charge, and turning over to the court for prosecution?
- c. Do you know the exact location of the offender so that you could take him/her into custody now?
- d. Is there some reason outside the police control that stops you from arresting, charging, and prosecuting the offender?

(Examples of exceptional means clearances are: suicide of the offender; double murder; offender in another jurisdiction's custody and extradition is denied; and, whenever the victim refuses to cooperate in the prosecution)

- 4. Case is "Administratively (Admin.) Closed" at that point when it appears as if all investigative leads have been exhausted, and there is little or no chance of solving the case. This may be at any of the following times:
 - a. Immediately after investigative leads are pursued to their conclusion and a "second contact" with the victim discloses no additional solvability factors.
 - b. Closure should be made within 30 days from the time the case is reported, unless there is an active lead being followed or specifically ordered otherwise by the Sergeant of Investigations or the Chief of Police.
 - c. Cases "Administratively Closed" may be reopened whenever new evidence becomes known or further leads to possibly solving the case are discovered. (Ref: CALEA 42.1.2)

H. Use of Polygraph in Criminal Investigations

On occasion, it may become necessary or desirable to use a polygraph to aid in a criminal investigation. This should be a rare rather than a common occurrence. When the use of these technical aids is desirable, the following guidelines shall be applicable:

- 1. Any examination of an individual must be completely voluntary on the part of that individual.
- 2. The primary goal of the examination should be to establish innocence, rather than to substantiate guilt. The results of the examination will not be used as evidence in court for any criminal case unless prior stipulation has been given.
- 3. Any polygraph examination must be recommended by the investigating officer and approved by the Sergeant of Investigations or Chief of Police prior to such examination.

4. Results of any examination will be placed in the case file, and will only be examined by officers directly charged with the investigation. In no case will the results of the polygraph be released to anyone other than law enforcement or the prosecutor's office unless by court order.
5. Officers are advised that any results of a polygraph examination are an "aid" only. Any information disclosed by way of the polygraph must be substantiated by other investigation.
6. Polygraph examinations shall be administered only by certified and licensed polygraph examiners.
7. When using examiners, the Department shall use resources in the following priority:
 - a. State Law Enforcement Division examiners.
 - b. Examiners from other law enforcement agencies
 - c. Private examiners qualified by education, experience, training, licensing and certification and approved by the Chief.

(Ref: CALEA 42.2.8)

I. Conducting Background Investigations

This Department will limit background investigations to investigations of individuals involved in specific criminal activities and to police officer recruit applicants.

1. Criminal investigations frequently involve background investigations, particularly as they relate to white-collar crime, organized crime, and vice activities. This Department will only conduct background investigations of persons in these criminal areas in correlation with an ongoing criminal investigation. This does not apply to background investigations in the selection process.
2. Various sources are available in conducting a background investigation. Potential sources include:
 - a. Financial institutions,
 - b. Business associates,
 - c. Former employers or employees,
 - d. Informants,
 - e. Utility companies,

- f. Public records,
 - g. Intelligence reports,
 - h. Criminal History,
 - i. Other law enforcement agencies, and
 - j. Pawn shops.
- 3. All information obtained in a criminal background investigation will only be used for legal purposes.
 - 4. Records involving background investigations shall not be released, nor access allowed, or otherwise distributed except as provided in this procedure titled "Intelligence Operations." Background investigations of recruit officer applicants shall be retained as provided in this procedure titled "Selection." The only person who may authorize the access, distribution, or release of background information is the Chief of Police.

J. Information Development

- 1. The purpose of gathering information in a criminal investigation is to identify, locate, apprehend, and prosecute the perpetrator.
- 2. Information development is crucial to the criminal investigative process, and information may be developed from an unlimited number of legal sources. These sources include:
 - a. Reviewing, consolidating and analyzing the reports of the officer whom conducted the preliminary investigation. Obtaining reports of any evidence that may have been collected before assignment of the case to the investigator. Making arrangements to obtain the results of the laboratory examination when the items have been forwarded to a crime lab.
 - b. Checking departmental records, Incident Reports and other public records.
 - c. Checking the gold and silver precious metal listings, pawnshops, and other places where stolen property may be sold.
 - d. Seeking information from known criminals, associates, acquaintances, and others who may know the suspect.
 - e. Investigating the activities of people who, by reason of their past criminal behavior, may be considered as suspects.

- f. Planning an organized police action such as a door-to-door canvass or an extended search aimed at discovering additional physical evidence or witnesses.
3. All information collected will be gathered legally and in compliance with the policies and procedures contained in this manual.
(Ref: CALEA 42.2.1, Item A)

K. Interviews and Interrogations

In addition to collecting physical evidence, one of the most effective ways to identify and locate suspects, gather testimonial evidence, and discover other investigative leads is by conducting effective interviews and interrogations. Although there are many techniques available to assist in interviewing suspects or witnesses, the following general guidelines will be used in most interviews:

1. Conduct interviews and interrogations as soon as possible after the commission of an offense so that evidence or details of the offense is not lost through the witness forgetting vital information.
2. Control the setting, as much as possible. Interviews and interrogations should be held in a quiet, private location free from outside distractions.
3. Record the interview either in a taped statement or in writing.
4. Be prepared with as much information about the offense as you can gather prior to beginning the interview or interrogation.
5. Develop, through experience and training, techniques to structure your interview to address the areas of the offense where information may prove useful. Techniques that you may wish to include are:
 - a. Get acquainted with the subject at the beginning of the interview by asking general background questions.
 - b. Attempt to develop a rapport with the subject.
 - c. Motivate the subject by whatever ethical means are at your disposal.
 - d. Keep the subject talking by asking open-ended questions that require more than a simple "yes" or "no" answer.
 - e. Be alert to what is said and what is not said so that you may steer the questioning into areas that may be of interest.
 - f. Do not furnish a possible answer in your question such as, "What did you do then, look at the assailant?"

- g. End the interview in a courteous manner, thanking the person for his/her time.

Interviews and interrogations will be conducted in accordance with the guidelines in this procedure titled "Written Confessions and Statements" to protect the Constitutional rights of any suspect. Interviews may be conducted with victims, witnesses, and any other persons who may have knowledge about a certain aspect of a criminal offense. Interrogations may be used for suspects and those persons who are directly involved in a criminal investigation. Whether or not the term "interview" or "interrogation" is used, the same degree of courtesy and politeness will be used in dealing with individuals who are questioned by departmental personnel.

(Ref: CALEA 42.2.1, Item B)

L. Collection, Preservation and Use of Physical Evidence

When physical evidence is properly collected, marked and preserved, it cannot perjure itself nor can it be impeached. Except where there is a need to render aid to the injured or to arrest a suspect, the actual crime scene should not be disturbed until an examination has been made of the crime scene. Thus, caution must be exercised to prevent disturbing or destroying any of the evidence. All unauthorized persons, including police officers not assigned to the case, must be barred from the scene until the evidence is located, identified, and preserved for later use in prosecution of the offender. Items of physical evidence which are or may be of value in court prosecution must be properly collected, documented and preserved until it can be analyzed. The investigator at the scene is in command of the scene until relieved by the Sergeant of Investigations or he/she completes his/her examination of the scene.

Physical evidence may be searched for, collected and preserved when investigating any crime scene in compliance with this procedure titled, "Collection and Preservation of Evidence." Criminal investigators will be mindful of the physical evidence that may be collected from a crime scene and ensure that it is used in the development of the case.

(Ref: CALEA 42.2.1, Item C)

M. Surveillance

Surveillance is the covert observation of places, persons and vehicles for the purpose of obtaining information concerning the identities or activities of subjects involved in criminal activities. In general, the purpose of surveillance is to:

1. Detect criminal activities.
2. Discover the identity of persons who frequent an establishment and determine their relationship when they are involved in criminal activity.

3. To discern the habits of a person who lives in or frequents the place where criminal activity is reasonably suspected.
4. To obtain evidence of a crime or to prevent the commission of a crime.
5. To provide a basis for obtaining a search warrant.

Surveillance may be used in the investigation of any crime when it is necessary to observe suspects or conditions in an unobtrusive manner. Surveillance may create additional information involving the investigated crime, gather additional intelligence information, or observe new crimes being committed.

All surveillance activities, whether conducted solely by this Department or jointly with other agencies, must be directly related to suspected criminal activities and must be conducted in a lawful manner and in accord with the procedures of this Department. The Sergeant of Investigations and/or the Chief of Police must give approval for any surveillance activity except in case of an emergency when there is no time to make contact with the command staff. In the case of an emergency, the Chief's designee and/or Chief of Police must be notified as soon as possible, but no longer than 24 hours after the incident.

(Ref: CALEA 42.2.1, Item E)

N. Habitual/Serious Offenders

The investigating officer is responsible for reviewing assigned cases to determine if a habitual/serious offender is involved in the incident. In such cases, all available resources and laws at the State and Federal level will be used to prosecute the subject.

1. The criteria for designating certain individuals as habitual/serious offenders are:
 - a. Two prior felony convictions, and/or
 - b. Two prior convictions for offenses involving firearms.
2. If a habitual/serious offender is identified, the investigating officer will check all Department records and NCIC criminal history records on the subject.
3. Once all the case information is compiled on the habitual/serious offender, it is the responsibility of the investigating officer to notify the appropriate solicitor's office or U.S. Attorney to assist in the prosecution of the case.

(Ref: CALEA 42.1.5)

O. Investigative Task Forces

1. The purpose of an investigative task force is to investigate specific crimes where the resources of the Criminal Investigations Division are not sufficient to conduct the investigation solely on its own.
2. The Chief of Police must approve the establishment of a task force within the Department or its participation in an outside task force. The responsibilities of the task force will be to investigate and apprehend suspects of specific crimes. When joint agency task forces are used, a written agreement will be executed between the chief executive officers of each involved agency. The agreement will delineate authority, responsibilities, accountability and resources used in the task force.
3. The Sergeant of Investigations will be responsible for the operation of any task forces organized within the Department. For joint task forces, a specific supervisor of one of the involved agencies will be designated as the task force supervisor and will be accountable for its operation. The Sergeant of Investigations will maintain liaison with the joint task force supervisor.
4. All resources needed for the task force will be identified. This includes manpower, vehicles, equipment, special investigative equipment, etc. The Sergeant of Investigations must approve all resource requests.
5. The Sergeant of Investigations will be responsible for completing a written evaluation of the task force progress after the first ten days and every 30 days thereafter. This report will be sent to the Chief of Police. The Chief of Police is responsible for evaluating the results of the task force and the continued necessity of the operation of the task force.

(Ref: CALEA 42.2.7)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
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CALEA Chapter 51

Distribution
All Personnel

Re-Evaluation
Annual

Pages
6

I. Purpose

To outline procedures for the collection, processing, analysis, and dissemination of information relating to organized criminal activities, vice activities, terrorism, and civil disorders.

II. Policy

It shall be the policy of this Department that intelligence information will be selectively maintained relating only to those activities that present a threat to the community. Information will be collected in an effort to anticipate, prevent or monitor potential criminal activity.

III. Procedure

A. Intelligence functions and activities will be the responsibility of the Criminal Investigations Division, under the supervision of the Sergeant of Investigations, and will include:

1. Collecting raw intelligence in accordance with priorities determined on a Department-wide basis.
2. Serving as the principal channel for receipt and dissemination of law enforcement intelligence within the Department.
3. Providing timely analytical support to tactical operations including but not limited to analysis of the aims and methods of organizations that are prone to public violence.
4. When requested by law enforcement groups, making personal contact with citizens or organizations for use of their residences or businesses for surveillance on criminal target locations.

B. Procedures for Maintaining Integrity of Intelligence Operations

1. Intelligence information will be limited to criminal conduct and activities that present a threat to the community. These areas are as follows:
 - a. Organized crime activity.
 - b. Terrorist activity.
 - c. Vice activity.
 - d. Narcotics activity.
 - e. White collar crime activity.
2. All information that is collected will be reviewed by the Sergeant of Investigations to ensure that the information is limited in scope as stated above. (Ref: CALEA 51.1.1, Item A)
3. The information included in the intelligence files shall be information relating to the types of offenses stated above. Sources of quality information include:
 - a. National Crime Information Center,
 - b. SC Law Enforcement Division, Criminal Intelligence Section,
 - c. Clerk of Court records,
 - d. Law enforcement criminal intelligence organizations, and
 - e. Direct access to other public records.

To ensure the quality of the intelligence information, all information collected and stored in the files must have been obtained legally and reasonably established as accurate and true by the collecting officer.

The following types of information will be excluded from the intelligence files:

- a. Information suggesting or concerning an individual's lawful political preferences, associations or opinions.
- b. The nature of a subject's sexual preferences except when unlawful.
- c. Any other information relating to the subject, the subject's family or associates, unless as a matter of investigative necessity and pertinent to establishing a relationship or association with known or suspected criminal activity.

(Ref: CALEA 51.1.1, Item B)

4. The Intelligence Operations files will be purged as follows:
- a. Permanent files - files that name a particular person by name or a particular organization where the identification can be specifically made. These files will be maintained permanently until the death of the suspect, or if an organization it ceases to exist, and thereafter are purged with approval of the Sergeant of Investigations.
 - b. Temporary files - a file where a subject or organization can only be described but not specifically named. These are to be purged at the end of one year after the initiation of the file if during that time a positive identification cannot be made of the subject or organization. If a positive identification is made within a year, then the file is reclassified as a permanent file and is retained as stated above.

However, if after one year there is still no positive identification of the subject or organization but the Sergeant of Investigations determines that there is a significant threat to public safety, an exemption may be granted. This exemption would provide for the maintenance of the temporary file for an additional six months while there is an ongoing investigation and intelligence collection effort or until a positive identification is established, whichever occurs first. The file will then be purged or filed as per this procedure. This exemption must be made in writing and included as part of the intelligence file.

- c. If an officer discovers incorrect information in any intelligence file it is that officer's responsibility to notify the Sergeant of Investigations to have the incorrect information purged immediately.
- d. All purged intelligence files will be destroyed under the direct personal supervision of the Sergeant of Investigations and in accordance with departmental destruction procedures. Destruction records will be maintained by the Criminal Investigations Division, under the supervision of the Sergeant of Investigations, and will list all files that have been destroyed. The destruction records will then become permanent records maintained by the Criminal Investigation Division.
- e. When the North Police Department Records Section receives a court order expunging a person's record, a copy will be forwarded to the Criminal Investigations Division for purging of files. Any reference to the person's name will be expunged from records for that particular case only.

(Ref: CALEA 51.1.1, Item C)

C. Liaison With Other Agencies

The Criminal Investigations Division will maintain liaison with Federal, State, regional and local criminal justice agencies for the purpose of facilitating an exchange of information relative to law enforcement. When possible, an investigator will attempt to establish liaison with one particular individual in an agency and work through that person to exchange information. Whenever possible, our Department will send a representative to the intelligence organization (CAPIO, State, PDCIC, etc.) monthly meetings to exchange information.

D. Internal Use of Intelligence Information

1. Recognizing that patrol officers have a significant opportunity to gather intelligence information, personnel are encouraged to forward pertinent information to the Criminal Investigation Division that may be beneficial to the Department effort. Information developed through intelligence and crime analysis will be provided to patrol and Criminal Investigations Division personnel in order to increase the effectiveness of the enforcement and deterrent efforts. This information will be in the form of intelligence memos posted in the patrol pass-on book or the patrol squad room bulletin board.
2. The processing of criminal intelligence information will be accomplished by a member of the Criminal Investigations Division who has been designated by the Sergeant of Investigations as the criminal intelligence coordinator.
3. A criminal intelligence file folder will be prepared for each month for the collection of raw information. An internal file will be numbered using the system consisting of the last two digits of the current year and the number of the month; i.e., January 2002 would be 02-01. This file will be initiated at the beginning of each month and closed at the end of the month. This file will form the basis for the preparation of permanent files as specific individuals or locations are identified.
 - a. Each report placed into the file will be marked with the appropriate intelligence file number.
 - b. When information is significantly developed about a particular individual or location a permanent file will be prepared. In the event there is sufficient information an active criminal investigation will be initiated. If an active investigation is begun, an Incident Report will be completed to open the investigative file.

4. The Criminal Information Report (CIR) will be the primary means for the reporting of criminal intelligence information. The CIR will be completed as accurately and completely as possible. Any member of the Department may submit a CIR to the Criminal Investigations Division.

E. Intelligence Equipment

The Criminal Investigations Division has access to specialized intelligence gathering equipment through the Police Department, the First Judicial Circuit Solicitor's Office and SLED. Available items through the Department are: a body transmitter and night vision equipment. This equipment may be used for the purposes of intelligence gathering in accordance with the guidelines established in this procedure and in accordance with applicable Federal and State laws. All intelligence/surveillance equipment must be signed out through the Criminal Investigations Division on a log sheet in the CID office. The use of any specialized intelligence equipment must have the prior approval of the Chief of Police. Officers using any specialized intelligence equipment must be trained in the safe, effective and legal use of the equipment prior to its use.

(Ref: CALEA 51.3.1, Item D)

F. Intelligence Personnel/Techniques

The members of the Criminal Investigations Division will perform the criminal intelligence function for the Department. The Sergeant of Investigations will designate one CID member as the criminal intelligence coordinator. These intelligence personnel will be used to perform the following functions:

1. Collect and evaluate raw intelligence data and prepare files.
2. Receive intelligence information from members of the Department and disseminate intelligence information to the Department.
3. Provide timely analytical support to tactical operations including analysis of the aims and methods of organizations and individuals prone to public violence and/or organized crime activity.

Techniques that may be used by personnel to perform intelligence functions include:

1. Review of public records, criminal intelligence reports from other agencies, NCIC information, police reports and other pertinent documents.
2. Confidential background investigation of an individual or organization.
3. Surveillance of suspects and the activities of organizations.

G. Restrictions on Use of Intelligence Equipment/Personnel

At no time shall any North Police officer engage in an illegal act to gather intelligence information. Specifically prohibited are telephone wire taps not authorized by court order, interception of cellular phone calls not authorized by court order, unauthorized monitoring of cordless phone calls, unauthorized interference with the U.S. Mail and any other illegal act. The Chief of Police must specifically authorize the monitoring of cordless phone calls, in writing, and will do so to monitor only information specifically related to serious criminal violations; i.e., illegal drug trafficking and felonies.

(Ref: CALEA 51.1.1, Item D)

H. Safeguarding Intelligence Information and Security of Intelligence Records

1. The intelligence files will be under the control of the designated criminal intelligence coordinator of the Criminal Investigations Division. Access to the files will be restricted to the designated criminal intelligence coordinator and members of the Patrol Division and CID under the direct supervision of the coordinator. Information will be released on a legitimate need to know basis only.
2. The intelligence files will be maintained in a secure locked file located in the Criminal Investigations Division separate from departmental arrests and offense reports. The intelligence files will be kept locked unless the Criminal Investigations Division member(s) is present. Matters of public record, newspaper clippings, etc. will be kept separate from the intelligence reports compiled by members of the North Police Department.
3. Any information kept on a computer disk is to be encrypted with limited or coded access. When not in use, any disks are to be locked in the intelligence files and the computer turned off.
4. All requests for information from the intelligence files and responses to members of the law enforcement intelligence community will be subject to approval by the Sergeant of Investigations. Information will be released only on a legitimate need to know basis.

(Ref: CALEA 51.1.2)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
8.3.1

Subject
Search and Seizure

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 1 and North Police Department's Policy and Procedure Manual, Chapter 9

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I. Purpose

To provide guidelines for the conduct of search and seizure without a warrant.

II. Policy

It is the policy of the Town of North Police Department to conduct search and seizure in compliance with the provisions of the U.S. Constitution, State Constitution, State law and applicable court decisions.

III. Procedure

A. Consent Searches

1. While not preferred, a search made with the voluntary consent of a person authorized to give the consent is lawful as an exception to the warrant requirement. Consent is a relinquishment of Fourth Amendment rights by the consenting party, and thus is reasonable even in the absence of probable cause and where searching officers cannot particularly describe the materials being sought.
2. The critical issue in any consent search is whether the consent search is voluntary; that is, whether it is the result of free and unconstrained choice. The sum total of surrounding circumstances will be used to determine voluntariness. Consideration in this regard may include:
 - a. Number of officers present.
 - b. Time of day.
 - c. Manner of request.

- d. Display of weapons.
 - e. Physical or mental condition of the person giving consent.
 - f. Whether the person giving consent is in custody.
 - g. Whether the person giving consent is a juvenile.
3. A second consideration is that only a person in lawful possession may give consent. This is the person who currently possesses the premises or personal property to the exclusion of others. Ownership is not the equivalent of lawful possession where the owner has temporarily yielded his/her right to possess. Examples are: landlord/tenant and innkeeper/guest.
- a. Lawful presence is not the same as lawful possession. A guest or invitee, while lawfully present, could not consent to a search.
 - b. Where two or more persons jointly possess the property, any of the individuals may consent to the search at least to those areas or things that are commonly possessed. The rules relating to joint possession apply in a wide variety of relationships such as husband and wife, paramours, roommates as to common areas, business partners, confederates in crime, etc.
 - c. As a general rule, parents may consent to the search of a family dwelling directed against children residing therein and being supported by the parents.
4. There is no requirement to provide a warning of Fourth Amendment rights before requesting the consent. However, since it is a factor bearing on the voluntariness of consent, officers are to inform individuals from whom consent is sought that they have a right to withhold consent.
5. If possible, consent to search should be obtained in writing. The Consent to Search form will be used when a written consent is given.
(Ref: CALEA 1.2.3, Item A)

B. Stop and Frisk

- 1. An officer may stop a person for investigative purposes based on specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant suspicion of criminal conduct on the part of the person that the person may be armed and the officer has reason to fear for his/her safety. The officer must be able to state the reasons for his/her actions in order to justify a stop and frisk.
- 2. The frisk is a pat down only and not a full-scale search. It is intended only to check for weapons.

3. The frisk will be limited to the person's outer clothing, but if an object is located that reasonably appears to be a weapon the officer then can search further and retrieve the object. If the officer feels something that his/her training and experience lead him/her to believe that the object is an illegal narcotic, or narcotic paraphernalia, he/she may search further to retrieve that object.
4. The stop and frisk is derived from the Terry Doctrine.
(Ref. CALEA 1.2.3, Item B)

C. Search of a Vehicle Under a Moveable Exception

1. This search is based on the principle that warrantless searches of automobiles are justified on the basis of probable cause to believe the vehicle contains contraband. This search is also referred to as a Carroll Doctrine Search or a Ross Rule Search.
2. Vehicles may be searched without a warrant primarily because of a reduced expectation of privacy. The mobility (exigency) factor is secondary. A search of a vehicle found on the open road or other public place may be made without a warrant, consent, or arrest where officers have probable cause to believe the vehicle contains contraband or evidence of a crime and it is impractical to obtain a search warrant.
3. The scope of the search is the same as with a warrant and may therefore extended to any part of the vehicle wherein the evidence sought could reasonably be located. Likewise, the search may extend into any container of any kind found within the vehicle as long as the evidence sought could be secreted therein.
4. Since the authority to search is directed against the vehicle, search of the driver and occupants for evidence is not permissible, although a self-protective frisk may be used upon a reasonable suspicion such persons are armed and constitute a threat.

(Ref: CALEA 1.2.3, Item C)

D. Scene of a Crime

1. Crime scenes may not present such exigent circumstances that will permit a warrantless search of the entire premises.
2. Officers may respond to the emergency and seize evidence in plain view, but any extended search of premises directed against the person possessing Fourth Amendment protection in that premises must be done under a search warrant or with the consent of the person in lawful possession.

(Ref: CALEA 1.2.3, Item D)

E. Emergency Searches

1. The delay necessary to procure a search warrant may sometimes place the safety of people in jeopardy or defeat the purpose of the warrant by permitting disposal of evidence. The law recognizes that under certain emergency circumstances, the requirement of a search warrant is waived and an officer may properly make a warrantless entry and search of a place protected by the Fourth Amendment.
2. Immediate warrantless entry is justified in the following circumstances:
 - a. To protect life and safety of persons,
 - b. To arrest a fugitive while in hot pursuit; and
 - c. To preserve evidence from being destroyed or removed.(Ref: CALEA 1.2.3, Item E)

F. Inventory of Seized Vehicles or Other Property

1. An inventory is different from a vehicle search. It does not permit officers to make a warrantless search and seizure of contraband or other evidence from a vehicle and has been held to be reasonable by the courts because it is non-investigatory in nature.
2. The concept of the inventory is based on the idea that police frequently come into possession of property belonging to other people and is further based on three primary interests:
 - a. Protecting the vehicle or other property owner's property,
 - b. Protecting police against claims of theft and damage; and,
 - c. Protecting police and the public against dangerous instrumentalities.
3. The threshold requirements to justify an inventory are:
 - a. Police must take custody of the vehicle or other property; and
 - b. The inventory must be done pursuant to written departmental policy of the Department. Refer to the Procedure for Impounding and Towing of Vehicles.
4. The scope of an inventory extends to the entire vehicle and any containers therein.
5. Non-evidentiary items of significant value found in the vehicle will be removed for safekeeping and turned in to the Property Room in accordance with procedures outlined in Chapter 9 of this manual.

6. Contraband or evidence found in the vehicle will be immediately seized and turned in to the Property Room in accordance with procedures outlined in this manual.
7. If the doors, the glove compartment, the trunk or any containers therein are locked or otherwise sealed, care will be taken to minimize damage to the property if it is deemed necessary to gain access to conduct the inventory.
8. The Department Inventory of Towed Vehicles form will be completed when an inventory is conducted.

(Ref: CALEA 1.2.3, Item F)

G. Miscellaneous Searches

1. Frisk Type Search of a vehicle - Police officers may stop a vehicle for investigative purposes based on specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant suspicion of criminal conduct on the part of the occupants of the vehicle.

During the course of an investigative stop of an automobile, a limited search of the passenger compartment, limited to those areas in which a weapon may be placed or hidden, is permissible if the police officer has a reasonable belief based on specific and articulable facts that the suspect is dangerous and may gain immediate control of a weapon.

2. Supervisory Searches - The warrantless search of an employee's desk or file cabinet by a supervisor is reasonable if made for non-investigatory work-related purposes or to investigate work-related misconduct.
3. School Searches - The U.S. Supreme Court has approved a warrantless search of a public school student by school authorities when balancing the school's need to maintain safety, order, and discipline against the student's right to privacy.

(Ref: CALEA 1.2.3, Item G)

Mark P. Fallaw
Chief of Police

Date

NORTH POLICE DEPARTMENT

CONSENT TO SEARCH

I, _____, the undersigned,
residing at _____
do hereby voluntarily authorize the North Police Department, its officers, agents,
representatives or employees and any other officers or officials it may designate to assist, to
search my residence or other real property located at _____
and/or my motor vehicle or
automobile, namely my _____,
presently parked or located at _____
and I further authorize the said officers to remove from my residence, property or vehicle,
whatever documents or items of property whatsoever which they deem pertinent to their
investigation, with the understanding that the said officers will give me a receipt for whatever
is removed.

I am giving this written permission to these officers freely and voluntarily, without duress
and without any threats or promises having been made, and after having been informed by
the officers that I have a right to refuse this search and/or seizure.

Signature of Person Providing Consent: _____

Witness: _____

Date/Time: _____

Witness: _____

Date/Time: _____

**Town of North
Police Department**
PO Box 399
9305 North Road
North, South Carolina 29112
ORI: SC0380800
Office: 803.247.5801 Fax: 803.247.3045

RECEIPT OF PROPERTY

I, _____ hereby acknowledge that I have a vested interest
and hereby claim a legal right to the property listed below:

Case Number: _____

Property Received From: _____

Description of Property:

Signature: _____ Date: _____

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
8.4.1

Subject
Written Confessions and Statements

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapters 1, 42 and North Police Department's Policy and Procedure Manual, Chapter 2

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I. Purpose

To establish procedure in compliance with prevailing U.S. Supreme Court decisions concerning the use of written confessions and statements.

To facilitate proper and effective court preparation.

II. Policy

It is the policy of the North Police Department to protect the Constitutional rights of all persons from whom its officers seek to obtain confessions or statements.

III. Procedure

A. Interviews and Interrogations

1. No such statement or confession, verbal or written, shall be purposely obtained except as provided by law.
 - a. U.S. Constitution.
 - b. Federal and State Case Law (court decisions).
 - c. Statutory Law.
2. No such statement or confession, verbal or written, shall be purposely obtained unless and until the suspect has been advised regarding, and fully understands, the following:
 - a. That the suspect has a right to remain silent and that he or she has the right to refuse to make any statement against his or her own interest.

- b. That, if the suspect so desires and the suspect wishes to make a statement, the suspect has the right to have an attorney present to protect his or her interest while the statement is being made.
 - c. That, if the suspect is financially destitute and he or she can establish it to a court of law, an attorney will be provided for the suspect.
 - d. That, if the suspect decides to waive his or her rights and decides to submit a statement or a confession, he or she has the right to terminate the statement or confession, complete or incomplete, at any time he or she desires.
 - e. That any statement made or given by the suspect may be used against the suspect in court by law enforcement and/or prosecution personnel.
 - f. If the suspect decides to waive the rights enumerated herein, a voluntary written rights waiver shall be obtained whenever feasible.
- 3. No form of coercion, threat, promise or any other improper means of inducement will be used by an officer to obtain a confession or statement. A confession or statement must be freely and voluntarily given.
- 4. Written statements and/or confessions shall be obtained, whenever feasible and according to law and this procedure, as a matter of course in all police investigations at any time when such a statement or confession is essential to the investigation and/or subsequent court action. This includes the statements of suspects, victims and witnesses.
- 5. Whenever feasible, statements shall be taken in the handwriting of the suspect, victim or witness. The statement shall be signed by the suspect, victim or witness. Such statements shall be witnessed by another person, preferably a police officer.
- 6. All statements should be taken, as soon as practicable, subsequent to the occurrence being investigated. On-scene statements shall be taken whenever practicable.
- 7. If the suspect or witness is physically incapable or refuses to give a statement in his/her own handwriting, alternate methods may be used.
 - a. Verbal statements should be tape recorded or videotaped whenever possible. This shall be only with the knowledge and consent of the person being interviewed, except as provided by law.

- b. If the suspect, victim or witness refuses to sign the statement, it may still be witnessed with a notation as to the refusal.
 - c. Statements may be in question-and-answer or narrative form. Ideally, a combination of the two should be used, avoiding questions that require only a "yes" or "no" answer.
- 8. On all written statements, all pages of the statements should be signed by the person giving the statement and all corrections initialed by the same.
- 9. When taking verbal statements from illiterate persons, the statements will be tape recorded by the officer.
- 10. When taking statements from persons who are unable to understand English, the officer will use an interpreter to assist in obtaining the statement. The statement will be tape recorded.
- 11. Recommended method of questioning:
 - a. Interviews should be brief but should cover all points.
 - b. Cover events immediately prior to, during and after the crime.
 - c. Unnecessarily long statements afford defense attorneys more opportunity to attack the statement.
 - d. All elements of the crime should be covered. Attempt to have the suspect relate something that only he or she would know, such as location of stolen property, type of tool or weapon used, etc.
 - e. Let the subject tell the story in his/her own words.
 - f. Do not make any threats or promises of any kind.

(Ref: CALEA 1.2.2, Item A and 42.2.1, Item B)

B. Access to Counsel

- 1. If the accused refuses to waive his/her rights under the Miranda Rule rights or initially waives his/her rights but later reconsiders and invokes his/her right to legal counsel, the interview must stop immediately.
- 2. If an accused invokes his/her right to legal counsel during the first effort to interview him/her, officers will not attempt a second interview unless the accused initiates a second interview. The right to counsel is not a one-time right to consult with counsel, but is a continuing right to have counsel present at the interview. Thereafter, the accused is presumed to have invoked his/her right to counsel for all subsequent attempts to interview him/her as long as he/she remains in custody.

3. The Sixth Amendment, right to counsel, attaches at the commencement of formal adversary proceedings against the accused. These critical stages include indictment, arraignment, a line-up after indictment or arraignment, etc.
4. If the right to counsel has attached itself, the officer must show effective waiver of this right with regard to any action the officer undertakes in the absence of legal counsel. A waiver of Miranda rights is sufficient to waive the Sixth Amendment rights.
5. An invocation of merely the Sixth Amendment right to counsel on one offense by acceptance of and representation by counsel at an initial hearing does not trigger the Miranda-Edwards Rule with respect to interrogation concerning uncharged offenses.

(Ref: CALEA 1.2.2, Item B)

C. Delays/Pre-Trial Prejudice

1. Officers will not unnecessarily delay the arraignment or any other hearing of any subject.
2. Officers will not make any pretrial statements or generate any pretrial publicity that may tend to prejudice a fair trial. Only the Chief or his designee may release information to the news media as stated in the Policy and Procedure in Chapter 2 concerning Public Information.

(Ref: CALEA 1.2.2, Item B)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
8.5.1

Subject
Execution of Search Warrants

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapter 74 and SC Code of Laws, Title 17 and North Police Department's Policy and Procedure Manual, Chapter 9

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I. Purpose

To aid in the detection and apprehension of persons committing crimes and in the discovery of evidence in criminal cases.

To prevent the suppression of evidence and possible dismissal of cases on procedural grounds.

To ensure that the Constitutional Rights of citizens are protected.

II. Policy

It is the policy of the North Police Department to execute search warrants promptly and in compliance with all legal requirements.

III. Procedure

A. When a police officer wishes to obtain a search warrant and has probable cause under conditions that would lead a reasonable and prudent man to believe that a criminal offense has been, or is being committed, he/she must have specific, reliable information to:

1. Particularly describe the things for which the search is to be conducted. Only those things described in the warrant can be seized. If in the course of a warrant search officers discover contraband or "Fruits of Another Crime" not described in the warrant, a second search warrant need not be obtained. The contraband or "Fruits of Another Crime" may be seized.
2. Know, to the best of his/her knowledge, what law has been violated, and evidence indicating that the person who is the subject of the search is involved.

3. Describe the house or place to be searched, including address and physical description of exterior. A photo of the location is often an invaluable aid.
 4. Know the name of the person to be seized or searched.
- B. A supervisor must be apprised of all evidence and facts of the case. If, in the opinion of the supervising officer, there is probable cause and sufficient evidence to obtain a search warrant, he/she will approve the request.
- C. Complete the search warrant form.
1. Any magistrate or city judge of appropriate jurisdiction may issue a search warrant. Application may be made in person or by telephone.
 2. A search warrant must be directed to the law enforcement agency of the jurisdiction in which it is to be served. The search must be conducted in concert with police personnel from that jurisdiction.
 3. The life of all search warrants is limited to ten days from the time of issuance by the judge. (SC Code of Laws 17-13-140)
 4. The search warrant is good for only one search.
 5. When possible, search warrants should be executed with a uniformed officer.
 6. Officers will positively identify the location to be searched prior to the execution of the warrant.
 7. Unless exigent circumstances exist, officers will give notice of their intent to execute a search warrant before attempting a forcible entry.
(Ref: CALEA 74.3.1)
 8. Only sworn officers will execute search warrants.
(Ref: CALEA 74.2.2)
- D. A record of the execution or attempted service of a search warrant will be recorded on the "Return" section of the warrant. This information includes:
1. Date and time service was executed/attempted;
 2. Name of officer(s) executing/attempting service;
 3. Name to whom or location warrant was executed;
 4. Method of service/reason for non-service, and;
 5. Address of service/attempt.
(Ref: CALEA 74.1.2)

E. An officer taking property from a search shall:

1. Give to the person from whom, or from whose premises the property was taken, a copy of the warrant and supporting affidavit. A copy of the inventory of any seized items will be given to the person upon his/her request.
2. If no one is present when the warrant is executed the copies must be left in a prominent location at the scene of the search.
3. The original search warrant, the completed return and the signed inventory must be returned to the issuing judge as soon as practicable.
4. Make the inventory in the presence of the person from whose possession or premises the property was taken if he/she is present, or in the presence of at least one credible person other than the person who applied for the warrant.
5. All property that is seized pursuant to a search warrant will be handled in accordance with Chapter 9 of this manual concerning Property Room Management.

(Ref: CALEA 74.4.1)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
8.6.1

Subject
Use and Control of Confidential Informants

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 41

Distribution
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I. Purpose

To provide an official policy to guide the use and control of confidential informants, the criteria for payment of informants and the maintenance of informant records systems.

II. Policy

It is the policy of the North Police Department to use the procedures and guidelines set forth by this directive to use and control confidential informants.

III. Procedure

A. Confidential Informant Files

The Chief of Police will designate one member of the Criminal Investigations Division as the Source Control Officer to maintain a master file of all confidential informants. This file will be secured and under the exclusive control of this designated Criminal Investigations Division member as the Source Control Officer.
(Ref: CALEA 41.6.4, Item A)

1. Each Registered Confidential Informant file will contain the following documents:
 - a. Confidential Source Data Card including complete identifying and locating data, biographical and background information, plus any other documents connected with the informant's true identity.
 - b. Current photograph and criminal history record, if any.
 - c. Informant Payment Record. This record provides a summary of informant payments, if any.

- d. One set of fingerprints.
- e. Copy of a Source Declaration and Advisement form.
- f. Receipts for purchase of information.
- g. Copies of any statements signed by the informant (unsigned copies will be placed in appropriate investigative files).
- h. Any administrative correspondence pertaining to the informant, including documentation of any representations made on his or her behalf or any other non-monetary considerations furnished.
- i. Code number of the source. (Ref: CALEA 41.6.4, Item B)

2. Security of Informant Files

Informant files will only be made available to an officer(s) with a necessary legitimate need to know and will never be taken out of the Police Department. A sign-in and out form will be maintained on all informant records indicating time, date, and informant code number, time accessed and signature of person reviewing the file.

(Ref: CALEA 41.6.4, Item E)

The only place in which the informant's name and code number will appear together is in the master file.

Informant files will be kept in a locked file in the Criminal Investigations Division office. Only the Source Control Officer will have keys to the file cabinet. (Ref: CALEA 41.6.4, Item D)

B. Informant Management

- 1. Criteria to become an informant for the North Police Department.
 - a. The person is in a position to measurably assist in a present or future investigation.
 - b. To the extent a prudent judgment can be made, the person will not compromise law enforcement interests or activities.
 - c. The person will accept the measure of direction necessary to effectively use his/her service.
- 2. If the above criteria are met, a Confidential Informant Data Card may be completed and maintained by the Source Control Officer of the Criminal Investigation Division.

3. There are three classifications of sources:

- a. Unwitting Source: Someone from whom information is obtained but they are unaware that their information is being used.
- b. Confidential Informant (CI): A confidential informant (CI) may be anyone who provides information that may or may not be reliable. A CI may be anyone who provides information on an irregular basis and not specifically targeted toward a specific individual or group. A CI can only receive a one-time bonus payment provided the information leads to an active investigation. If a CI continues to provide credible information and further payment or investigations are anticipated, a CI will be upgraded to Registered Confidential Informant.

A CI will be assigned the designator "C" followed by a three digit number, in sequential order, followed by a hyphen and the two digits of the year in which they were recruited; i.e., C001-02. Once a CI number is assigned it is permanent.

- c. Registered Confidential Informant (RCI): A Registered Confidential Informant (RCI) is an individual specifically targeted toward the active collection of criminal information directed at an individual, location, group, etc. An RCI regularly provides credible information leading to active investigations and payments for his/her services.

An RCI will be assigned to a member of the Department as his/her contact officer. The contact officer will supervise the conduct and activity of the RCI while the RCI is assisting this Department.

A RCI will be assigned a permanent number beginning with "R" followed by a five-digit number issued in sequential order; i.e., R00001.

4. Maintenance of informant files

For each informant in an active status, the Source Control Officer shall review the informant file on an annual basis to assure it contains all relevant and current information. Where a material fact that was earlier reported on the Confidential Informant Data Card is no longer correct (i.e., a change in criminal status, means of locating informant, etc.), a supplemental data card shall be submitted with the correct information.

(Ref: CALEA 41.6.4, Item C)

C. Utilization of Informants

1. General Precautions To Be Taken With Informants

Common sense and prudent judicial management dictate that the below listed general policies be adhered to, to protect the integrity of the individual officer and to enhance investigative results:

- a. Informants are assets of the Department, not a specific officer. At its discretion, management may reassign an informant to the control of another contact officer.
- b. Officer/informant contacts will be of a strictly professional nature. Extrinsic social or non-police business contacts are expressly prohibited.
- c. Contacts with informants will be such that their knowledge of law enforcement facilities, operations, activities, and personnel is limited to the minimum necessary to their successful utilization.
- d. Whenever practical, two officers will be present at all contacts with an informant, particularly informants of the opposite sex.
- e. All significant contacts with the informant and all information obtained at these contacts will be documented in writing in the Informant File.
- f. Informants shall be advised at the outset that:
 - (1) They shall not violate criminal law in the furtherance of gathering information or providing services, and any evidence of such a violation will be reported to the appropriate law enforcement agency.
 - (2) They have no official status, implied or otherwise, as agents or employees of the North Police Department.
 - (3) The information they provide may be used in a criminal proceeding; and although the Department will use all lawful means to protect their confidentiality, this cannot be guaranteed.
 - (4) Informants will not reveal their association with the Police Department to other persons.
 - (5) Officers may not offer inducements to the informants that are not in accordance with law and/or Department policy.

- g. When an informant is to participate in an undercover purchase in which he/she may come in contact with either official funds, controlled drugs, or anything else of potential evidential value, he/she will be thoroughly searched before and after the undercover encounter by a police officer of the same sex as the informant; and, where possible, kept under continuous observation in between. This is to preclude questions as to the validity or integrity of the evidence. A sworn statement from the informant will also be obtained and placed in the file.
- h. The officer sets the deals, not the informant. Do not allow an informant to arrange for a deal or purchase without approval from the contact officer.
- i. Do not become too close to an informant.
- j. Limit the amount of personal information about you provided to the informant.
- k. Informants will not call officers at home. At the officer's discretion the officer may provide his/her pager number to the informant.
- l. The officer and the Department control the informant, not vice versa.
- m. All interactions with the informant including his/her development, establishment, debriefing, and utilization shall be carried out with the highest regard for confidentiality. When he/she is to be brought to the Department, it should be done in a manner so as to attract minimal attention, both upon entering and exiting, and while he/she is in the confines of the Department itself. Unnecessary disclosure of his/her identity in discussions shall be avoided. Documents and reports concerning his/her informant status shall be kept secured. Meetings outside the office should be done, insofar as possible, in "neutral" locations. Where the disclosure of his/her informant status to a prosecutor is necessary, the prosecutor should be reminded to handle this fact with similar regard for security.

(Ref: CALEA 41.6.4, Item G)

2. Debriefing of Informants

As part of the establishment process and prior to the supervisor granting approval to the establishment of the informant, a full debriefing will take place. The nature and extent of this debriefing will vary with the individual's background; i.e., whether he/she is a long-time associate of criminals, etc. A line of inquiry will be developed in such a manner so that all knowledge of criminals and criminal activity, both drug and non-drug related will be covered. The general order of priority to the criminal information sought will be as follows:

- a. Actionable drug-related criminal information.
- b. General drug-related criminal information.
- c. Non-drug-related criminal information.

The debriefing should not be limited to, nor overly focused upon, the first priority. It could well be that a broad coverage of the second priority would lead to a better choice of targets and objectives rather than an oversimplified discussion of actionable information.

3. Controlled Substance Information

In obtaining information on a drug trafficker, the financial aspects of his/her activities should also be included (e.g., how money is transferred, assets, and proceeds). The drug-related information sought should not be limited to the traffic within the geographic boundaries of the immediate jurisdiction of North.

Non-drug-related criminal information should be disseminated to the appropriate agencies unless there is a valid reason not to do so. If the information is nonspecific or of low significance, the Criminal Investigations Division members will decide whether it should be disseminated.

4. Terminating an Informant

- a. In the event continued use of an informant would prove detrimental to the goals of the Department or to the safety of its officers, or when an informant is found to be otherwise unreliable and, in the opinion of the Source Control Officer or contact officer, should not be used, the informant will be "terminated."
- b. The officer will write a report stating the reason(s) why an informant should be terminated.
- c. Upon approval of the Source Control Officer, the informant's file jacket will be stamped "Terminated" and dated. Other agencies using this informant shall be sent a copy of the officer's report and notified of the termination.

D. Special Precautions to be taken with Juveniles

Due to the numerous problems associated with the use of juveniles as informants, such use is discouraged and cannot be undertaken without prior permission of the Chief of Police. When use of a juvenile is authorized by the Chief, such use cannot be undertaken without the prior written permission of the parents or guardian. The parent must be fully briefed as to the exact use and possible dangers to the juvenile and a permission form must be signed by the parent/guardian.

Officers will diligently strive to protect a juvenile informant from physical or emotional harm and shall not allow the juvenile to be placed in possible danger without the parent or guardian's full permission and knowledge.

(Ref: CALEA 41.6.4, Item H)

E. Criteria To Pay Informants

1. Any person who is to receive payments charged against the Confidential Fund will be established as an informant. This includes persons who may otherwise be categorized as sources of information or informants under the control of another agency.
2. The amount of payment shall be commensurate with the value of services and/or information provided and should be based on the following factors:
 - a. The level of operation of the targeted individual, organization or operation.
 - b. The amount of the actual or potential seizure.
 - c. The significance of the contribution made by the informant to the desired objectives of this Department.
3. Circumstances in which payments to informants may be made:
 - a. Payments for information and/or active participation. When an informant assists in developing an investigation, either through supplying information or actively participating in it, he/she may be paid for his/her service either in a lump sum or in staggered payments. Payments for information leading to a seizure with no defendants will be held to a minimum.
 - b. Payments to informants of another agency. To use or pay another agency's informant, he/she would be established as an informant of this Department. These payments shall not be a duplication of a payment from another agency; however, sharing a payment is acceptable and preferable.

4. Funds may be used for the purchase of narcotics, controlled substances or other evidence required to determine the existence of a crime or to establish the identity of a participant in a crime.
5. All payments to informants will be handled as outlined in the Department policies and procedures. All payments will be receipted by the designated funds custodian in the Criminal Investigations Division. Any payments to an informant, regardless of the reason, will be witnessed and a receipt will be obtained. A copy of the receipt will be placed in the Informant File along with a copy of the Funds Expenditure Voucher. Once a receipt has been completed, it may not be altered or changed in any way. The receipt must be signed by the person receiving the funds and witnessed by the Funds Custodian officer certifying the payment.
6. All payments to informants and other expenditures from the Confidential Fund must be approved by the Sergeant of Investigations or the Chief of Police. (Ref: CALEA 41.6.4, Item F)

F. Use of Informants by Patrol Officers

Patrol officers may develop and use informants in accordance with this procedure. The patrol officer must register the informant with the Source Control Officer in the Criminal Investigations Division. An Informant File must be established as prescribed in section A of this procedure. All such informant files will be a part of the informant master file. The Source Control Officer must approve the registration of the informant. Patrol officers must comply with all sections of this procedure when dealing with informants. Patrol officers must adhere to all procedures regarding registration, confidentiality, general precautions, special precautions for juveniles and criteria for payment of informants. (Ref: CALEA 41.6.4, Item I)

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
8.7.1

Subject
Organized Crime and Vice Control

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies

CALEA Chapters 41, 43 and North Police Department's Policy and Procedure Manual, Chapter 9

Distribution
All Personnel

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Annual

Pages
14

I. Purpose

To establish standards of enforcement and procedures to combat vice, narcotics and organized crime.

II. Policy

The North Police Department recognizes the serious nature of vice, narcotics and organized crime that constantly threatens the social and financial health and well-being of this community. It shall be the position of the North Police Department that every employee share the responsibility to suppress and support the enforcement of all forms of organized crime and the control of vice activities.

III. Procedure

A. Responsibility and Authority

The Sergeant of Investigations will have the primary responsibility for the coordination, administration and direction of departmental activities concerning vice control, narcotic enforcement and organized crime control.

B. Receiving, Processing and Investigating Complaints

When an employee of the North Police Department receives information of vice, narcotics or organized crime activity, he/she will record the information on:

1. An Incident Report – if a reportable crime has occurred, or;
2. A Criminal Intelligence Report – if the information appears to be solely of an intelligence nature only.

Upon receipt of the report, the Sergeant of Investigations will review the information and determine if it should be assigned for investigation or classified as intelligence information. If the information requires further investigation, the Sergeant of Investigations will assign the case to an investigator. The investigator will ensure that all leads are pursued until the suspects are charged or until the report is returned to file pending further information. If the information is deemed to be intelligence, it will be analyzed, classified, and maintained by the Criminal Intelligence Coordinator as indicated in Chapter 8 of this manual concerning "Intelligence Operations."

(Ref: CALEA 43.1.1, Item A)

C. Vice, Narcotics and Organized Crime Complaint Records

Every vice and organized crime complaint received and substantiated by investigation will be maintained in a separate intelligence file within the Criminal Investigations Division. Complaints will be forwarded to the Records Section for filing at the conclusion of their investigation and adjudication.

Information collected in the course of the investigation will remain in the Criminal Investigations Division file. This file will be purged following the guidelines established for purging Intelligence Files as established in the Policy and Procedure concerning "Intelligence Operations" in Chapter 8 of this manual.

(Ref: CALEA 43.1.1, Item B)

D. Preliminary Investigations of Complaints

Reliable information should be developed by reviewing the original information contained in the complaint and taking the necessary steps to verify that information. This may entail making neighborhood contacts, contacting other agencies that might be familiar with the persons or situations and interviewing people who might be privileged to information. Any evidence collected and submitted will be in accordance with "Collection and Preservation of Evidence" in Chapter 9 of this manual. When it is deemed appropriate by both the Sergeant of Investigations and the Chief of Police, surveillance techniques may be used to gather information.

(Ref: CALEA 43.1.1, Item A)

E. Follow-up Investigations

Follow-up investigations will be conducted using the procedures established for preliminary investigations to include a second contact with the victim or complainant, a check of Department records, an NCIC check or a check of records from other agencies. By its very nature, follow-up investigation implies information has already been developed. Nevertheless, investigators must continue to verify and develop information until the investigation is determined to be successfully completed or returned to file as pending. Investigators will report the progress and status of the investigation not less than weekly to the Sergeant of Investigations. Depending upon the nature of the investigation, more frequent reports may be necessary.

(Ref: CALEA 43.1.1, Item A)

F. Security of Vice, Narcotics and Organized Crime Investigations

All reports relating to active investigations shall be kept in the North Police Department's Criminal Investigations Division in a locked file cabinet separate from the Records Section. When a member of CID is not present, the files shall remain locked. When an inquiry pertaining to any of the suspects listed in the reports is received, it shall be handled by the investigator assigned to that particular case. In the event that the investigator is not present, the Sergeant of Investigations shall review the request on a "need to know" basis before disseminating the information. (Ref: CALEA 43.1.2)

G. Receiving and Disseminating Information

When a member of the Criminal Investigations Division receives a request for information from an outside agency, the request will be forwarded to the Sergeant of Investigations who will decide whether to release the information based on a legitimate "need to know." Whenever the North Police Department enters into a joint investigation with another agency, the Sergeant of Investigations may permit a free flow of information between the investigative units without his/her express approval of all requests. In the event that an intelligence information request is made, the above procedures shall prevail before information is disseminated. Any time a request for information is made, a written notation will be placed in the file indicating the date of the request, the name of the requestor, and if any information was released.

(Ref: CALEA 43.1.1, Item C)

H. Surveillance and Undercover Equipment

The North Police Department has access to many pieces of equipment to ensure the safety of its police personnel. One of these is the body transmitter. It is designed to allow back-up officers to monitor a police operative to ensure his/her safety, and its use is permitted upon approval from the Sergeant of Investigations or the Chief of Police. Members of the North Police Department will not, under any circumstances, use a body transmitter for unauthorized verbal interceptions. State and Federal law prohibits such use and violators can be prosecuted. Having knowledge of this activity and not reporting it will lead to prosecution and departmental discipline.

I. Use of Body Transmitter and Tape Recorder

The body wire can be used as a prosecution tool when one person, officer or operative, involved in the conversation has knowledge his/her conversation is being intercepted and permission was given beforehand. In addition to the body transmitter, the tape recorder and phone intercept may be used to gather evidence in a criminal case. When one of the above listening or recording devices is selected, the investigator must have the permission of the Sergeant of Investigations or the Chief of Police prior to use. In all cases where evidence or

potential evidence is obtained through the use of a tape recorder, all tapes must be properly marked and submitted to the Property Room. Investigators must also receive permission from the Sergeant of Investigations or the Chief of Police prior to using the night vision device or any other technical surveillance equipment. (Ref: CALEA 43.1.4)

J. Use of Recording Devices for Victims of Crime

When a tape is made on a complainant's phone for evidence collections, it must be submitted to the Property Room.

K. Inventory Control for Investigative Tools

In addition to the procedure for the body wire and tape recordings, an inventory log will be kept by the Sergeant of Investigations for investigative tools (i.e., night vision device, body transmitter, video camera etc.) borrowed for temporary use from this Department or another agency. If technical alarm systems or tracking systems are borrowed from other agencies, an inventory log must be submitted to the Sergeant of Investigations.

(Ref: CALEA 43.1.4)

L. Evaluating complaints

When any police officer receives substantial information concerning an offender, they will review the information with the Sergeant of Investigations. The Sergeant of Investigations shall then evaluate the accuracy and credibility of the initial information and the scope and importance of the problem before a commitment is made to an extended investigation. If the Sergeant of Investigations agrees with the officer, the information will be reviewed with the Chief for approval of operating funds and manpower. Investigations into vice and organized crime offenses can involve tremendous expenditures of time, money, and effort. In order to evaluate the accuracy and credibility of the initial information, determine the scope and relative importance of the problem, and establish a solid investigation, the following questions should be considered in determining which offenses are investigated:

1. Is the original information valid?
2. What is the criminal nature of the problem?
3. How important is the problem?
4. What lead information exists?
5. What investigative techniques might be used?
6. Does the agency have sufficient resources?
7. What possible operational problems exist?

M. Surveillance Operations Procedures

The Sergeant of Investigations will be responsible for coordinating and planning organized crime and vice control surveillance. Surveillance operations should be well planned prior to implementation. Guidelines for planning operations include:

1. Crimes and victims will be analyzed with the Criminal Investigation Division's assistance to determine the nature and scope of personnel, equipment and activities required to safely and effectively conduct the operation. Probable offenders and their habits, associates, vehicles, methods of operation, or any other pertinent information that will affect the manner of surveillance and potential prosecution will be identified and analyzed by the investigator designated as the surveillance coordinator by the Sergeant of Investigations
(Ref: CALEA 41.1.6, Item A)
2. Any questions regarding the legal ramifications of the surveillance activity will be addressed to the appropriate Solicitor's Office prior to beginning the operation.
(Ref: CALEA 41.1.6, Item B)
3. Officers involved in the surveillance operation will be familiarized with the neighborhood or target area. The surveillance coordinator will brief officers through the use of maps, photographs diagrams or "ride-bys" of the area prior to beginning the surveillance.
(Ref: CALEA 41.1.6, Item C)
4. Prior to beginning the surveillance, the surveillance coordinator will determine the operational procedures for observation, arrests, and "tails" to ensure the continuity between the planning and the conduct of the surveillance operation. The surveillance coordinator will conduct a pre-operation briefing for all members of the surveillance team.
(Ref: CALEA 41.1.6, Item D)
5. Required expense funds will be afforded to officers in accordance with Confidential Fund Procedures at the direction of the Sergeant of Investigations.
(Ref: CALEA 41.1.6, Item E)
6. Means for routine and emergency communication will be established prior to beginning the operation. Unless otherwise approved by the surveillance coordinator, West PD channel 1 will be used for routine communications with Orangeburg County Dispatch and Orangeburg County Sheriff's Department Dispatch channel 27 being used as an alternate emergency channel.
(Ref: CALEA 41.1.6, Item F)

7. Equipment such as binoculars, night vision device, body transmitter, cameras, etc., and vehicles such as marked units, unmarked units, rental vehicles, bicycles, etc., appropriate for the operation will be provided. This will include weapons such as shotguns and/or other surveillance equipment. (Ref: CALEA 41.1.6, Item G)
8. Officers involved in the operation are to be relieved so surveillance may continue over an extended period of time of more than eight hours, or as needed. Back up assistance will be available through the Patrol Division. (Ref: CALEA 41.1.6, Item H)
9. False identity, disguises and false credentials are not needed for surveillance operations. (Ref: CALEA 41.1.6, Item I)
10. Officers will maintain confidentiality of all surveillance operations and will discuss such operations “only on a need to know basis.” Radio transmissions will be limited. (Ref: CALEA 41.1.6, Item J)
11. The Sergeant of Investigations will designate one officer to serve as the supervisor and coordinator of the surveillance operation. (Ref: CALEA 41.1.6, Item L)
12. The surveillance coordinator will closely supervise the surveillance operation. The surveillance coordinator will be under the supervision of the Sergeant of Investigations. (Ref: CALEA 41.1.6, Item M)
13. Contacts with suspects by a member of the surveillance team will not be made unless an arrest is required. (Ref: CALEA 41.1.6, Item N)
14. Searches and seizures are not usually required as part of a surveillance operation except when an arrest is made. At that time, a search of the arrestee and his/her immediate area will be made. (Ref: CALEA 41.1.6, Item O)
15. Medical assistance is available through Orangeburg County EMS with the North Fire District Paramedics as an alternate responder. (Ref: CALEA 41.1.6, Item P)
16. The Sergeant of Investigations or the surveillance coordinator shall notify the patrol supervisor of the nature and location of the operation prior to implementation, unless otherwise instructed by the Chief of Police. Other law enforcement agencies may be contacted to provide necessary assistance as needed. (Ref: CALEA 41.1.6, Item Q)

N. Undercover and Covert Operations

Undercover operations shall be planned in accordance with departmental guidelines established in this section. These guidelines include:

1. All suspects who are a target or become the target of the undercover operation will be identified and analyzed. This identification and analysis will include a determination of their criminal history, known associates, weapons proficiency, and any other available background information. (Ref: CALEA 41.1.6, Item A)
2. Any questions concerning the legal ramifications of the undercover operation will be referred to the appropriate Solicitor's Office prior to conducting the operation. (Ref: CALEA 41.1.6, Item B)
3. The neighborhood or target area where officers will work will be analyzed and surveyed prior to infiltration to determine and identify hazardous and potentially dangerous areas. Locations for surveillance points will also be identified. The officers will be briefed by the covert operation coordinator about the operations objectives. (Ref: CALEA 41.1.6, Item C)
4. Contact will be made with the suspects only as necessary to gather information and to develop probable cause. Contacts with suspects will be made only when all necessary and reasonable precautions for officer safety are taken. Depending on the purpose of the undercover operation, arrests can be made when all the legal requirements to substantiate a legal arrest (probable cause) have been met or arrests may be delayed until a later date. The decision to delay arrests will depend on the purpose of the undercover operation, the need to identify additional suspects, officer safety and/or to protect the identity of undercover officers or informants. (Ref: CALEA 41.1.6, Item D)
5. Any required expense funds will be afforded to officers in accordance with Confidential Fund procedures at the discretion of the covert operation coordinator. (Ref: CALEA 41.1.6, Item E)
6. Means for routine and emergency communication will be established on a case-by-case basis. The West PD channel will be used for routine radio communications with Orangeburg County Dispatch and Orangeburg County Sheriff's Department channel 27 is to be used as a back up channel. When radio communication is not feasible, cellular telephones may be used. The Department has cellular telephones for this purpose. (Ref: CALEA 41.1.6, Item F)

7. Officers will be provided necessary equipment to include:
 - a. Vehicle – marked or unmarked.
 - b. Weapons – authorized handgun that can be concealed, shotgun for back up officers and to decide whether the undercover officer should be armed. The Sergeant of Investigations and the Chief of Police must approve for the officers to operate unarmed.
 - c. Surveillance Equipment - When and wherever possible, video equipment and cameras will be used to record the undercover operation. This will assist in documenting compliance with applicable laws and directives. The undercover officer may use the body transmitter for this purpose as well as officer safety. At night, back up officers may need the night vision device.
 - d. Communications Equipment – The undercover officer may use the body transmitter when a portable radio cannot be used. Back up officers must have portable and/or mobile radios available. (Ref: CALEA 41.1.6, Item G)
8. Officers involved in the operation may be relieved, when feasible and as needed, if the operation continues over an extended period of time. Usually the relief will be after officers have worked more than 8 hours. Back-up response to the undercover officer must be available if the undercover officer needs assistance. At least one officer in the operation must be immediately available as a back-up officer. Additional back-up officers may be a part of the operation or the Patrol Division can provide back up assistance. (Ref: CALEA 41.1.6, Item H)
9. Officers involved in the covert operation may be provided with false identity, disguises, and credentials as deemed necessary by the Sergeant of Investigations. (Ref: CALEA 41.1.6, Item I)
10. The confidentiality of and cover of the operation and cover of the undercover officers' false identity will be maintained in the following manner:
 - a. Only officers directly involved in the operation, Sergeant of Investigations and the Chief of Police will have information about the operation.
 - b. Copies of the false identification and credentials provided to the officers will be kept in a locked file in the Criminal Investigations Division. (Ref: CALEA 41.1.6, Item J)

11. Authorization for a raid must be granted by the Sergeant of Investigations or the Chief of Police. All use of force, both deadly and non-lethal, must be within the guidelines of departmental Procedures concerning “Deadly Force” and “Use of Non-Lethal Force.”
(Ref: CALEA 41.1.6, Item K)
12. The Sergeant of Investigations will designate one officer to serve as the supervisor and coordinator of the undercover/covert operation.
(Ref: CALEA 41.1.6, Item L)
13. The officer designated as the coordinator of the undercover operation, under the supervision of the Sergeant of Investigations, will provide close supervision of the undercover/covert operation.
(Ref: CALEA 41.1.6, Item M)
14. The undercover officer will make contact with the suspects only when at least one back-up officer is available in accordance with all of the guidelines in this procedure. No arrest is to be made without the back-up of one other officer or without the assistance of another officer readily available.
(Ref: CALEA 41.1.6, Item N)
15. Searches and seizures must be based upon probable cause. Searches and seizures will be conducted when a suspect is arrested to include his/her person and the immediate area. Vehicles, containers and other items will be searched if there is a legal reason for the search and seizure.
(Ref: CALEA 41.1.6, Item O)
16. Medical assistance is available through Orangeburg County EMS with the North Fire Department medical personnel as an alternate responder.
(Ref: CALEA 41.1.6, Item P)
17. The Sergeant of Investigations and/or undercover operation coordinator shall notify the Patrol Division supervisor of the nature of the operation when an arrest is planned and/or in cases where there is a perceived high risk in contacting a suspect even if no arrest is planned. The Sergeant of Investigations, Chief of Police and/or undercover operation coordinator shall be contacted to provide any necessary assistance. In joint agency undercover operations, the Sergeant of Investigations and/or undercover operation coordinator will report activity to the joint agency coordinator.
(Ref: CALEA 41.1.6, Item Q)

O. Vice, Narcotics and Organized Crime Raids/Service of Search Warrants

Vice, narcotics and organized crime raids and service of search warrants will be conducted in accordance with the guidelines established in this section. These guidelines are as follows:

1. All suspects who are a target or become the target of the raid operation will be identified and analyzed by the Criminal Investigations Division. This identification analysis will include a determination of their criminal history, known associates, weapons proficiency, availability and type of weapons, possible hazards at the raid location and any other available background information. (Ref: CALEA 43.1.6, item A)
2. Unless exigent circumstances exist, a valid search and/or arrest warrant(s) must be obtained prior to any raid. Any questions concerning the legal ramifications of the raid operation will be directed to the appropriate Solicitor's Office prior to conducting the raid. (Ref: CALEA 43.1.6, Item B)
3. Officers participating in a raid will be briefed by the raid team coordinator on the objectives and details of the operation. The raid team coordinator will brief the officers through the use of maps, photographs, diagrams or "ride-bys" of the area prior to initiating the raid. The raid team coordinator will specifically describe, in detail, the location to be raided. (Ref: CALEA 43.1.6, Item C)
4. Strategies and tactics for approaching, entering, securing, and leaving the target of the raid will be developed prior to the raid by the Sergeant of Investigations and the raid team coordinator. These strategies and tactics will include analyzing the target to be raided, officer safety, number of suspects, presence of and types of weapons possessed by the suspects, presence of children and other uninvolved people at the raid location and by determining the appropriate number of required manpower. An entry will be considered high-risk when known violent suspects are involved, there are multiple or assault type weapons in the possession of the suspects, the suspects have made credible threats against the lives of law enforcement officers, possible booby traps at the location or other serious threat to officer safety or the residents of the area. If the raid is a high-risk raid, the Sergeant of Investigations and/or raid team coordinator will contact the Chief of Police who will request that the SC Law Enforcement Division send a SWAT team to make the entry.

The raid team will be configured as follows:

- a. Raid team coordinator – Plans, coordinates, and supervises the raid operation.
- b. Entry members – Minimum of two officers. Makes initial entry into the location and takes control of the suspects and scene security. In high-risk entries, they will be replaced by the SWAT team.

- c. Inner perimeter members – Minimum of two officers. Secures the front, sides and rear of the location while entry members go in. Prevents the escape of suspects, provides back up to the entry members and augments the entry members in securing suspects and the scene. In high-risk entries, they may be replaced with the SWAT team.
 - d. Outer perimeter members – Minimum of one officer as needed. Provides security outside the inner perimeter and augments the inner perimeter and entry members.
 - e. Search members – Minimum of one officer. Will be designated by the raid team coordinator to conduct the physical search of the location. Members may be drawn from other components of the raid team or additional personnel may be brought in for this purpose. The coordinator will designate one member to label and document all evidence and/or contraband that is seized and to complete the inventory section of the search warrant, if any. (Ref: CALEA 43.1.6, Item D)
5. Expense funds are not required for raid operations.
(Ref: CALEA 43.1.6, Item E)
6. Routine and emergency communications will be established prior to beginning the raid operation. Unless otherwise approved by the raid team coordinator, the West PD channel will be used for communications with Orangeburg County Dispatch and the Orangeburg County Sheriff's Department channel 27 will be available as an alternate emergency channel. Prior to the initiation of the actual raid, the raid team coordinator will request the dispatcher to halt all other non-emergency traffic on the channel until the raid site is secured.
(Ref: CALEA 43.1.6, Item F)
7. Appropriate equipment to successfully and safely complete the raid will be issued, including:
- a. Weapons – handguns are required, shotguns optional as necessary.
 - b. Vehicles – marked units and/or unmarked units.
 - c. Personal body armor – worn by all personnel.
 - d. Communications – portable radios.
 - e. Uniform – When conducting raids non-uniformed personnel will be required to wear readily identified apparel (i.e., "Police" jackets, BDUs, caps and/or t-shirts) so that uniformed officers know their appearance. Deviation from this procedure can be granted by the Sergeant of Investigations.

- f. Other equipment – binoculars, night vision device, cameras, extra handcuffs, bolt cutters, ladders and/or a battering ram as needed.

(Ref: CALEA 43.1.6, Item G)

- 8. The Sergeant of Investigations and/or the raid team coordinator will include in the raid plan for adequate perimeter security for the raid location when the raid is initiated. Officers will be assigned specific duties in order to observe the location for suspect activity and to prevent the escape of the suspects. Windows and doors of the raid location must be covered, as well as removing bystanders from the location. A minimum of two officers are needed for perimeter security although more may be needed based on the size of the building, number of exit points, number of bystanders, armed suspects, etc. The raid team will be configured as follows:

- a. Raid team coordinator – Plans, coordinates, and supervises the raid operation.
- b. Entry members – Minimum of two officers. Makes initial entry into the location and takes control of the suspects and scene security. In high-risk entries, they will be replaced by the SWAT team.
- c. Inner perimeter members – Minimum of two officers. Secures the front, sides and rear of the location while entry members enter. Prevents the escape of suspects, provides back up to the entry members and augments the entry members in securing suspects and the scene. In high-risk entries they may be replaced with the SWAT team.
- d. Outer perimeter members – Minimum of one officer as needed. Provides security outside the inner perimeter and augments the inner perimeter and entry members.

(Ref: CALEA 43.1.6, Item H)

- 9. False identity, disguises and credentials are not required for a raid operation.

(Ref: CALEA 43.1.6, Item I)

- 10. Officers will maintain confidentiality of all raid operations and will discuss such operations only on a need to know basis. Radio traffic will be limited regarding the operation.

(Ref: CALEA 43.1.6, Item J)

11. Authorization for a raid must be granted by the Sergeant of Investigations or the Chief of Police. The use of force to gain entry will be authorized only after reasonable efforts to gain entry without the use of force have failed, except in cases where a covert entry is required for the purpose of officer safety or where it is likely that evidence will be easily destroyed prior to being admitted voluntarily by the occupants. The use of force in confronting and/or apprehending suspects will be lawful and in accordance with Department Procedures concerning “Deadly Force” and “Use of Non-Lethal Force.”
(Ref: CALEA 43.1.6, Item K)
12. The Sergeant of Investigations will designate one person to be the supervisor and coordinator of the raid operation.
(Ref: CALEA 43.1.6, Item L)
13. The officer designated as the raid coordinator, under the supervision of the Sergeant of Investigations, will provide close supervision of the raid operation.
(Ref: CALEA 43.1.6, Item M)
14. Officers will use caution when contacting suspects and unknown subjects during the raid.
(Ref: CALEA 43.1.6, Item N)
15. A search for any evidence that is the target of the raid will be thorough and systematic. The search will be supervised by the raid coordinator. Officers will be assigned to conduct the search while other officers secure the location and suspects. Evidence and/or contraband will only be seized in accordance with the law and guidelines established in Department Policy and Procedure concerning “Search and Seizure.” Any subject who is arrested will be searched.
(Ref: CALEA 43.1.6, Item O)
16. Medical assistance is available through Orangeburg County EMS with the North Fire Department medical personnel as an alternate responder.
(Ref: CALEA 43.1.6, Item P)
17. The Sergeant of Investigations and/or the raid team coordinator will notify the Patrol Division supervisor of the location of the raid. When possible, the Patrol Supervisor will be part of the raid planning process. The Sergeant of Investigations and/or raid team coordinator shall contact other agencies to provide any necessary assistance. If a SWAT team is needed, the Chief of Police will be notified and will make a formal request from SLED.
(Ref: CALEA 43.1.6, Item Q)
18. Documentation of all activities associated with the raid is required. This documentation will be in the form of Incident Reports, Booking Reports when arrests are made and Supplemental Reports as needed.

P. Decoy Operations Procedures

The North Police Department does not conduct decoy operations at this time.

Q. Reports to the Chief of Police

The Sergeant of Investigations or any investigator assigned to conduct vice, protracted narcotic or organized crime investigations will promptly report the status to the Chief of Police. This report can be made verbally or in writing, but it is to be submitted at the earliest opportunity. Whenever there is a protracted investigation, the Sergeant of Investigations shall make periodic progress reports of the status of the case. This section does not mandate officers to notify the Chief of Police of misdemeanor on-view vice or narcotic arrests.

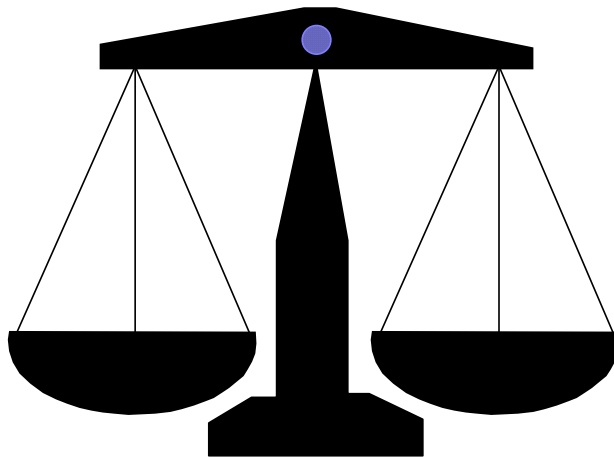
(Ref: CALEA 43.1.7)

Mark P. Fallaw
Chief of Police

Date

North Police Department

North, South Carolina



"An Effective and Efficient Agency"

Policy and Procedure Manual

Chapter 9- Evidence and Court

Mark P. Fallaw
Chief of Police

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- 9.4.1 Property Room Management

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
9.1.1

Subject
Collection and Preservation of Evidence

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 83

Distribution
All Personnel

Re-Evaluation
Annual

Pages
20

I. Purpose

To outline the responsibilities of the field officer and methods to safeguard, collect and preserve evidence at a crime scene.

To ensure a proper chain of evidence for courtroom presentation.

To specify procedures for submitting evidence to a forensic laboratory for analysis.

II. Policy

The investigation of crime and the prosecution of offenders require that information be obtained through the application of scientific knowledge and methods. In order to use laboratory support services effectively, physical evidence must be identified, collected, preserved properly and transmitted to the laboratory. It is the policy of the North Police Department to diligently follow forensic methods of obtaining and protecting this evidence, in order to carry out the functions of the Department.

III. Procedure

A. Requirement for Evidence Processor Availability

1. Response to calls for service where a crime has been committed that may involve physical evidence requires that such evidence be collected promptly and submitted to the laboratory without delay.
2. The Criminal Investigations Division will maintain one investigator on a 24-hour on-call basis to process evidence and major crime/accident scenes. This investigator will be used at all major crime/accident scenes.

3. In the event an investigator from the Department is not available or it is not a major crime scene, the patrol supervisor has an evidence collection kit available and will be notified. Additionally, SLED has forensics technicians available to respond for major crime scene processing that is beyond the capability of this Department. (Ref: CALEA 83.1.1)
4. An investigator or evidence technician will be requested to evaluate, photograph and process the scene for physical evidence on the following incidents:
 - a. Death - criminal or natural,
 - b. Suicide,
 - c. Rape/sexual assault,
 - d. Arson,
 - e. Robbery - armed or strong armed,
 - f. Major assaults - serious bodily injury and/or shots fired,
 - g. Burglary and attempted burglary,
 - h. Recovered stolen vehicles,
 - i. Serious injury or fatal traffic accidents,
 - k. Kidnapping, and
 - l. Carjacking.

(This list does not limit requesting investigators or evidence technicians on other offenses not listed where evidence requires processing.)

5. All sworn personnel shall be aware of what evidence is needed to meet the requirements of the offense being investigated.

B. Collection of Known Standards for Comparison

1. When the following types of physical evidence/trace evidence are collected from a crime scene, a known standard sample must be collected for comparison by the SLED Lab.
 - a. Blood
 - b. Hair
 - c. Fibers
 - d. Paint

- e. Glass
 - f. Wood
 - g. Metal
 - h. Soil
 - i. Tool marks
 - j. Footwear
- 2. The location from which the samples are taken is critical for the SLED Lab and shall be documented on the lab request report.
 - 3. All standards for comparison will be collected by investigators, evidence technicians and/or qualified medical personnel in accordance with procedures established by the SLED Forensics Lab.

(Ref: CALEA 83.1.2)

C. Guidelines and Procedures for Collecting, Processing and Preserving Physical Evidence in the Field

- 1. It is the responsibility of the first officer at the scene of a crime to secure that scene from all nonessential personnel. The investigating officer, whether a patrol officer or investigator, is the sole authority in determining who are essential and nonessential personnel. The scene of a crime must be secured as soon as possible to prevent the loss of evidence. The officer securing the scene of a major crime shall initiate a Supplemental Report form, listing the time, name and reason for all personnel who enter the crime scene. All personnel at the scene will not disturb, touch or handle physical evidence, unless a danger exists that the evidence will be lost or destroyed prior to processing by an investigator or evidence technician. Should such a situation arise, it becomes the responsibility of the officer to mark, seal, tag and preserve the evidence.
- 2. The progression of crime scene processing tasks includes photograph and/or sketch, fingerprint, mark, label and collect evidence.
- 3. The investigator responding to a crime scene or incident will be responsible for photographing, collecting, preserving, transporting and submitting all evidence to the Property Room.
- 4. When the scene is processed by a patrol officer or investigator, all evidence obtained will be marked, sealed, tagged and submitted to the Property Room by that officer or investigator.

5. The SC Law Enforcement Division (SLED) laboratory request form will be completed for all evidence that requires comparison or analysis. This request will be submitted for records processing with the Evidence Report.
6. The procedures used for the collection and preservation of all evidence will be in conjunction with procedures established by the SLED Forensic Crime Lab.
7. Collection of blood and/or urine for DUI investigations/traffic fatalities.
 - a. In any arrest or investigation for driving under the influence (DUI) of alcohol and/or drugs requiring the collection of blood or urine or in the case of a traffic fatality the following procedures will be used. The blood specimen must be placed in the vacuum tubes provided by the medical facility. Blood may only be drawn for the purpose of determining the alcoholic content or to conduct a drug screen by a physician, registered nurse, qualified technician or other qualified medical personnel in a licensed medical facility. An alcohol wipe must not be used to prep the skin. Urine specimens will be collected in plastic containers provided by the medical facility. Since urine collection may require the viewing of a suspect's genitals, this action will be witnessed only by qualified medical personnel or an officer of the same sex as the suspect.
 - b. Blood and/or urine specimen containers must be sealed with a tape or label that displays the following information:
 - (1) Name of suspect,
 - (2) Date and time of collection, and
 - (3) Name of person collecting the sample.
 - c. The SLED Blood/Urine Analysis Report and the Department Evidence Report form must be completed by the officer.
 - d. All samples will be placed in the temporary property storage refrigerator.
 - e. The blood and/or urine will be transported later by the property custodian to the SLED laboratory for testing and/or drug screening.
8. Collection of blood and/or other body fluids at major crime scenes.
 - a. Blood, urine, semen and other body fluids will be collected at a crime scene where they are found by investigators or evidence technicians.

- b. Latex gloves and other bloodborne pathogens protective equipment will be used, as appropriate, during collection.
 - c. Suitable plastic containers will be used to collect samples.
 - d. All specimens collected in liquid form will be maintained in the Property Room refrigerator.
 - e. All specimens collected will be marked, sealed and tagged as appropriate to identify and preserve them for analysis.
9. Sexual assault/abuse kits.
- a. The Sexual Assault/Abuse kit will be used during the investigation of sexual assaults and sexual abuse cases.
 - b. A physician will conduct the sexual assault/abuse protocol of the victim using the kit to obtain necessary evidence and samples.
 - c. The investigating officer will take custody of the kit and place it in the temporary storage refrigerator. The officer will complete the Department Evidence Report and the SLED Lab Analysis Report.
10. Other items collected as evidence.
- a. Wet clothing or other materials collected as evidence will be dried in a secure area in the Property Room. Wet clothing will not be sealed in plastic bags until it is dried. It may be transported in brown paper bags.
 - b. As soon as the evidence is dried, it will be marked, sealed, and tagged.
 - c. Documents that are wet for any reason will be handled in the same manner as wet clothing.
 - d. All firearms must be submitted on a separate property tag, unloaded, and with the ammunition packaged separately. All firearms will be checked by the submitting officer and the NCIC printout attached to the Evidence Report to verify whether the firearm is listed as stolen.
 - e. Dangerous drugs (including, but not limited to narcotics, hallucinogens and narcotic implements) submitted to the Property Room will be weighed, and counted if appropriate, by the submitting officer. Each separate container of the material will be marked with the weight, the count, the officer's name, and date.

- (1) The property label will list all dangerous drugs, including weight, and/or count.
- (2) All dangerous drugs submitted to the Property Room will be sealed in a plastic bag or other container. Each bag will have a separate property label.
- (3) All dangerous drugs submitted to the Property Room will be placed in a property locker by the submitting officer until the property custodian takes custody.

- f. All money submitted will be counted by both the submitting officer and his/her supervisor. All money will be sealed and tagged separately upon submission to the Property Room. The property tag/label must identify the amount of money and who submitted the money.
- g. Volatile fluid of evidential value will be stored in the Property Room in metal containers. A maximum of one gallon will be stored. Excess volatile fluid will be disposed of in accordance with EPA and Fire Department procedures for hazardous waste materials.
- h. No explosives, dangerous chemicals, nuclear material or ammunition greater than .50 caliber will be submitted to the Property Room. The supervisor will contact SLED, the Environmental Protection Agency, Fort Jackson Explosive Ordinance Disposal Team, or other specialized agency when such material is recovered. All such items are to be photographed and disposed of according to procedures established by the specialized agency handling the material. Handling of the items will be accomplished by the specialized agency requested at the scene.

11. Crime scene sketches.

- a. When crime scene sketches are drawn pursuant to the collection and preservation of evidence, they will contain the following information:
 - (1) Dimensions,
 - (2) Address, floor or room number as appropriate,
 - (3) Location of significant features of the scene, including the victim,
 - (4) Date and time of preparation,

- (5) Name(s) of person(s) preparing the sketch,
- (6) Direction of magnetic north, and
- (7) Location of items of physical evidence recovered.

- b. In fatality traffic accidents, scene sketches drawn to scale will also be prepared using the above guidelines as appropriate.
- c. Generally, the processor of the scene will make rough sketches and measurements including sufficient additional information so a final drawing, to scale, can be made at a later time. These rough sketches are evidence and shall be filed with the actual sketch by the processor.

12. Procedures for processing stolen vehicles.

- a. Vehicles that are reported stolen from this Town will generally be examined by an investigator upon recovery. This examination may be conducted by the jurisdiction where the vehicle is recovered if it is outside the Town limits. North Police personnel may process another jurisdiction's stolen vehicle recovered in this Town if time and manpower permit.
- b. The recovered vehicle should be processed for evidence at the recovery scene. If this is not practical, the recovered vehicle shall be towed and impounded at the Police Department or other appropriate location. If the recovered vehicle requires restoration of serial numbers or has altered or missing serial numbers, it will be impounded. Additional requests for evidence technician work and laboratory examination is the responsibility of the investigating officer.
- c. Any evidence collected from the recovered vehicle will be marked, sealed, tagged and placed in the Property Room to maintain the chain of evidence. The investigator processing the recovered vehicle shall document his/her actions and the collected evidence on a Supplemental Report if necessary. The investigator shall complete an evidence/property report for any evidence that is collected.
- d. A patrol officer or investigator will complete a recovered stolen vehicle Incident Report on any vehicle recovered in this Town that was reported stolen by another jurisdiction. Disposition of the recovered vehicle will be handled in accordance with procedures and approval of the reporting jurisdiction.

Recovered vehicles that were reported stolen in this Town require only a Supplemental Report that will be added to the original report.

- e. It shall be the responsibility of the patrol officer or investigator recovering the stolen vehicle to notify the dispatcher to cancel the NCIC entry. The officer will provide a facsimile or deliver a copy of the supplemental recovery report to the dispatcher for this purpose. (Ref: CALEA 83.2.1)

13. Latent prints.

- a. The following general guidelines will be followed when processing a crime scene for latent prints:
 - (1) The investigator will use the proper color fingerprint powder to develop the fingerprint on an object. The powder will be lightly brushed over the print until it fully appears. Latent impressions developed with fingerprint powder may be photographed on the original object. After being photographed, they will be lifted.
 - (2) The lifted print is to be placed on a card and the following information listed:
 - (a) Place of occurrence,
 - (b) Type offense and date of offense,
 - (c) Date and time processed, and
 - (d) Processed by (print name) and initial.
 - (3) A SLED lab request will accompany all completed latent print cards. All latent prints will be sent to the SLED Forensic Lab.

When requesting a comparison of latent prints with fingerprints of a known suspect, the requesting officer will include inked finger prints and/or the fingerprint classification number of the suspect.

(Ref: CALEA 83.2.3)

D. Inventory Procedures for Collected Evidence

- 1. All physical evidence collected from a crime scene by an investigator, evidence technician or a patrol officer shall be inventoried on an Evidence Report. A notation that evidence was collected will be made on the Incident Report.

2. The inventory shall contain the following information:
 - a. Description of item (include make, model, and serial number, if any).
 - b. Source (from whom or location).
 - c. Name of officer collecting the evidence.

(Ref: CALEA 83.2.1)

E. Crime Scene Photography and Videotaping

1. Photography of major crime scenes, serious traffic accidents and other incidents of major importance will be the responsibility of an investigator. The investigator will photograph all aspects of the crime scene, traffic accident or incident using 35mm photography equipment supplied by the Department. The following situations will require the use of an investigator:
 - a. Death – criminal or natural.
 - b. Rape or kidnapping.
 - c. Investigation of excessive force.
 - d. Serious injuries to a police officer or suspect during arrest.
 - e. Accidents, damage or injury, involving Town property.
 - f. Fatal or serious injury traffic accidents.
 - g. Burglaries.
 - h. Arson or suspected arson.
 - i. Investigation of discharge of firearms by a police officer.
 - j. Aggravated or felonious assaults involving a weapon.
 - k. Any serious injury to a Police Department employee sustained while on duty.
 - l. Any crime scene upon request of the reporting or investigating officer.
2. Polaroid photographs are to be taken in situations requiring immediate access to the photographs. They should not be used as the sole source of photographic evidence in any of the cases outlined above except minor traffic accidents. The use of Polaroid photography shall be limited to the following:

- a. Photographs necessary for immediate identification of a suspect.
 - b. Photographs of a suspect when no arrest is imminent.
 - c. Photographs of property when immediate identification is required.
 - d. Photographs of minor assaults and traffic accidents.
3. When the exact size of an item being photographed is required, a scale will be placed next to the item to add dimension and aid in development for "life-size" prints. A second photograph of the item will be taken without the scale, using the same camera settings, position and lighting in the event the court desires photographs of evidence in which nothing has been introduced into the field of view.
4. If the evidence to be photographed is a fixed object, the dimension of that object should be taken to provide a scale of reference.
5. Upon completion of the photography and scene processing, the investigator or officer will submit the film to the appropriate photo lab for processing and printing. A notation that photographs were taken at the scene will be made on the Incident Report. The report shall state who took the photographs, the date and time the photos were taken. Negatives and photographs will be examined by the investigator and submitted for filing with the case file or Incident Report.
6. Videotaping of a crime or accident scene may be done in addition to still photography. The scene of all murders will be videotaped. A notation that videotaping was done will be made in the Incident Report. The report shall state who videotaped the scene and the time and date the videotape was made. An evidence label will be completed and attached to the videotape. The videotape will be submitted to the Property Room.
7. Requests from complainants, legal firms, insurance companies, or outside agencies for copies of photographs or videotapes taken by investigators or officers shall be directed to the Chief of Police.

(Ref: CALEA 83.2.2)

F. Evidence Processing Personnel, Equipment and Supplies

1. The Department has investigators trained to process crime scenes for the recovery of fingerprints, photography, crime scene sketches, collection and preservation of physical evidence and accident investigation.

2. The Police Department shall maintain specially equipped evidence kits for use by each of the investigators and one for the Patrol Division for processing all types of crime/accident scenes in an effective and timely manner. The specialized equipment is maintained in each evidence kit for the following purposes:
 - a. Recovery of latent fingerprints.
 - b. Photography.
 - c. Crime scene sketches.
 - d. Collection and preservation of physical evidence.
 - e. Accident investigation.
3. Additional specialized equipment such as ladders, portable generators and lights are available from the North Fire Department. Specialized photography and crime scene processing is available through SLED. Super glue fuming equipment is available through the Criminal Investigations Division, the Orangeburg County Sheriff's Office and the SLED Forensics Lab.
4. Investigators and the patrol supervisor will carry evidence kits in their vehicles for ease of use and timely response capability.

(Ref: CALEA 83.2.4)

G. Crime Scene Reporting

1. An accurate record of events that transpire at the scene of a crime, in connection with the investigation, is required at the time of trial. It is the responsibility of the investigator who processes the scene to submit detailed reports describing the sequence of events associated with a scene investigation as related to evidence on the Incident Report and/or Supplemental Report, and as required in the narrative section of the SLED Forensic Crime Lab report. The Evidence Report form will also be used to inventory all evidence that is collected.
2. The Incident Report shall contain the following information:
 - a. Date and time of arrival at the scene.
 - b. Location of the crime.
 - c. Name of the victim(s), if known.
 - d. Name of the suspect(s), if known.
 - e. Narrative of the investigator's actions at the scene.
 - f. Related report/case number.

3. If a specialist is called to the scene (i.e., SLED Crime Scene Technician, accident reconstruction specialist, etc.), the date and time of request and the requesting officer's name will be added to the report. All information obtained by the specialist will be documented with the Incident Report. If the specialist prepares his/her own report, a copy of it shall be attached with the Incident Report.
4. The same responsibilities for accurate crime scene reporting also apply to patrol officers when completing an Incident Report/Supplemental Report and conducting an investigation. (Ref: CALEA 83.2.5)

H. Documentation of the Transfer of Custody of Evidence

1. No item of evidence shall be released from the Property Room until it is properly transferred using the chain of custody section of the Evidence/Property Custody report. The chain of custody section contains the following information:
 - a. Date of the transfer.
 - b. Receiving person's name.
 - c. Releasing person's name.
 - d. Purpose of change of custody.
 - e. Item number(s) of evidence being transferred.
2. Transfer to Crime Lab
 - a. The Property Custodian is responsible for conveying evidence from the Property Room to the Crime Lab.
 - b. The Property Custodian will complete the chain of custody section of the Evidence/Property Report for the items to be transferred to the lab.
 - c. The Property Custodian will convey the items, Evidence/Property Report and lab analysis request form to the Crime Lab. The Property Custodian will obtain the lab number assigned by SLED and enter this number on the Evidence/Property Report.
 - d. The Property Custodian will then return the Evidence/Property Report to the Property Room file and record the information regarding the transfer of evidence to the crime lab. This information will be posted on the lab sign out bulletin board in the Property Room and includes the following information:

- (1) Log number,
- (2) Case number,
- (3) Item number,
- (4) Name of investigating officer,
- (5) Date transferred to the lab,
- (6) Lab number, and
- (7) Remarks.

- e. When items are returned to the Property Room, the Property Custodian will sign-in the evidence on the chain of custody section of the Evidence/Property Report, indicating that the property was returned. The Property Custodian will return the evidence to its assigned storage location, delete it from the lab sign out bulletin board and notify the investigating officer of the lab results.

3. Transfer to Court

- a. Any time an officer takes evidence to court, he/she will sign for the release of evidence in the chain of custody section of the Evidence/Property Report. This report is retained in the Property Room.
- b. The officer will take the item(s) to court. If the court retains the property, the bailiff or court clerk will provide and sign a "Receipt for Property" which the officer will then return to the Property Custodian.
- c. When items are returned to the Property Room by officers after court, the officer returning the item will sign the chain of custody section of the Evidence/Property Report indicating the property was returned.
- d. When items are returned directly by the court, the property custodian will have the court employee sign the chain of custody section of the report. (Ref: CALEA 83.3.1)

I. Procedures for Evidence Submitted for Laboratory Examination

1. It is the responsibility of the Property Custodian to submit evidence to the SLED Forensics Lab. Transfers to the Lab will be made on a weekly basis. The responsibility for requesting laboratory examinations rests with the investigating officer. (Ref: CALEA 83.3.2, Item A)

2. Methods for Packaging and Transmitting Evidence to the Laboratory

- a. All evidence is to be submitted to the Property Room as soon as practical to preserve the chain of evidence.
- b. Evidence will be secured in the Property Room until it is transferred to the SLED Forensics Laboratory.
- c. Physical evidence collected by investigating officers shall be collected, packaged and labeled or tagged as soon as reasonably possible.
- d. Physical evidence collected by the investigating officer may be marked for identification purposes. The mark shall consist of the officer's initials (or any unique mark chosen) inscribed or marked with indelible pen or inscribing tool in a location that will not unnecessarily mutilate or destroy the value of the item.
- e. The officer will seal the evidence in a proper container. A property label or tag will be securely attached to the container.
- f. All requested information on the face of the property label or tag will be completed by the submitting officer.
- g. Officers shall not submit property or evidence on one property label or tag or in one container in such a manner that creates an excessive or unmanageable quantity. For example, three televisions will not be submitted on one property tag.
- h. Items outlined in this section will be submitted only with like items; i.e., money with money, weapons with weapons, etc.
- i. Perishable evidence is defined as fresh blood, blood stained objects, other physiological stains, tissue, and/or biological materials. When collecting perishable evidence from a crime scene, the following procedures will be used:

(1) Fresh blood (wet specimen)

Fresh (wet) blood will be collected using saline, placed in a sterile glass or plastic vial, capped or stoppered, sealed, marked, tagged and refrigerated in the property refrigerator. The collecting officer will use bloodborne pathogens protective precautions when collecting the sample.

(2) Dry Blood

- (a) Whenever possible, the entire object that has the bloodstain should be submitted.

- (b) When the bloodstain is located on a wall, floor, or other object that cannot be submitted, one of the following procedures will be used.
 - i. When a large amount of stained material is present, the easiest technique is to scrape several large flakes into a small container.
 - ii. When the stain is small, the fiber technique should be used. The officer should cut 4 to 6 gauze fibers approximately one-half (1/2") inch long from a gauze pad. Moisten the fibers with saline. Swab the blood-stains with the fibers, concentrating the stain on the fibers as much as possible. The fibers should be air dried in a box before sealing, marking and tagging the container. The dried fiber samples do not require refrigeration.

(3) Blood Stained Materials

These items will be air dried prior to packaging. After thoroughly drying, the item will be packaged in brown wrapping paper or paper bags, marked, sealed and tagged. Multiple items must be packaged individually to avoid contamination.

(4) Other Stains, Tissues or Biological Material

- (a) Other types of stains can be collected using the same procedures as previously described for wet and dry blood. The officer collecting the sample must use bloodborne pathogens protective procedures.
- (b) Body tissue must be collected and placed in a sterile glass bottle in saline solution, capped or stoppered, sealed, marked, tagged and refrigerated.
- (c) Other biological material, if not air dried, must be refrigerated after being marked, sealed and tagged.

(5) Weapons

- (a) All submitted firearms must be unloaded and the ammunition packaged separately. A diagram/sketch will be made to indicate positions where rounds were loaded in the cylinders of revolvers. A notation in the report will be made regarding how automatic and semi-automatic weapons were loaded.
- (b) Weapons submitted to the Property Room will be placed in a property locker in the property holding room.
- (c) All weapons will be checked by the submitting officer to verify if the weapon is stolen. The NCIC printout should be attached to the Evidence/Property Report.

(6) Dangerous drugs (including but not limited to narcotics, hallucinogens and narcotic implements)

- (a) Any dangerous drugs to be submitted will be weighed by the submitting officer. Each separate bag will be properly marked with the weight, the count of the drug (if the drug is in identifiable and separate units) and the date.
- (b) Pills or capsules should be counted, unless there is an excessive amount.
- (c) The dangerous drugs will be weighed while inside the container.
- (d) The property label(s) will list all dangerous drugs, including the description, weight and count (if made) in each bag.
- (e) All dangerous drugs submitted to the Property Room as evidence will be sealed in a plastic bag or container and labeled.
- (f) All dangerous drugs submitted to the Property Room will be secured in a property locker by the submitting officer.

(7) Money

- (a) All monies submitted will be counted by the submitting officer.
- (b) All monies will be submitted in a sealed package and labeled by the submitting officer. The attached property label must identify the amount of money, the submitting officer, and the date.
- (c) Money submitted to the Property Room will be placed in a locker in the property holding room. If there is a large amount of money involved, the Property Custodian will be notified so that the money can be placed in the safe.

(8) Explosives or Hazardous Materials

- (a) Volatile fluid of evidential value will be temporarily stored in the Property Room. A maximum of one gallon will be stored. It will be kept inside a metal one-gallon can.
- (b) The Evidence/Property Report will indicate the total amount of fluid taken, the amount retained for evidence, and the amount disposed.
- (c) The total volume of fluid will be photographed prior to disposal.
- (d) Fireworks, railroad flares, fuses, or ammunition less than .50 caliber may be submitted. All other explosives will be considered unsafe for storage in the Property Room. Such material will be photographed and safely disposed of in accordance with procedures of disposal specialists from SLED Bomb Unit, Ft. Jackson EOD, etc. as appropriate.
- (e) Other hazardous materials such as chemicals, biological specimens, nuclear material, or other unsafe matter will be photographed and disposed in accordance with procedures of disposal specialists such as SLED Bomb Unit, EPA, DHEC, Ft. Jackson EOD, etc. as appropriate.

(Ref: CALEA 83.3.2, Item B)

3. Documentation to Accompany Evidence Submitted to the Laboratory

- a. The SLED Forensics Laboratory Analysis Request report is to be completed by the submitting officer. The officer making the request shall complete all applicable sections of the report and will indicate the type of analysis that is requested. A narrative of the incident may be required to advise the lab personnel to properly analyze the evidence. The SLED Laboratory Analysis Request must accompany the evidence when it is submitted to the lab.

(Ref: CALEA 83.3.2, Item C)

- b. It is the responsibility of the investigating officer to review lab reports on cases he/she is assigned. If additional lab services are necessary, or new or additional evidence becomes available, the investigating officer must submit a new SLED Laboratory Analysis Request.

4. Maintenance of Chain of Custody

The chain of custody section on the Evidence/Property Report must be completed each time the custody of any evidence is transferred. This chain of custody section serves as the receipt to ensure the maintenance of the chain of custody of the evidence. (Ref: CALEA 83.3.2, Item D)

5. Requesting Written Results of Laboratory Analysis

- a. The SLED Forensics Lab provides a written report of laboratory findings as standard procedure on all requests for laboratory examination.
- b. Written reports of laboratory findings received from the SLED Lab are filed with the case report in the Records Section. A copy of the report will be provided to the investigating and/or requesting officer upon request.

(Ref: CALEA 83.3.2, Item E)

Mark P. Fallaw
Chief of Police

Date

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Crime Scene Entry Log

Related Case Number: _____ Primary Officer: _____

Date: _____ Time: _____ Type of Crime: _____

Location: _____

Name of Person Entering Scene	Time In	Time Out	Reason For Entry

Primary Officer's Signature: _____

Supervisor's Signature: _____

North Police Department
P.O. Box 399
9305 North Road
North, SC 29112-0399
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TRANSFER TO CRIME LAB

LOG NUMBER

CASE NUMBER

ITEM NUMBER

INVESTIGATING OFFICER

DATE TRANSFERRED TO THE LAB

LAB NUMBER

REMARKS: _____

North
Police Department

Directive Type
General Order

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Subject
Court Operations and Security

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April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 73 and SC Code of Law, Title 14

Distribution
All Personnel

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Annual

Pages
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I. Purpose

To provide appropriate levels of security in the courtroom to protect the integrity of the North Municipal Court.

II. Policy

It is the policy of the North Police Department to use security measures designed to maintain the physical security of the court facility and to protect the judge, jury, and all other participants who are attending court.

III. Procedure

A. Administration

1. The North Police Department is responsible for providing the security of the Municipal Court. The responsibility for these security operations shall derive from SC Code of Laws 14-25-55 and a written agreement between the Judge and the Chief of Police. A copy of this agreement is kept in the office of the Chief of Police.
(Ref: CALEA 73.1.1 Item A)
2. The Chief will coordinate and implement the requirements of this procedure and ensure compliance on a daily basis. The Chief's designee shall serve as agency liaison with the Municipal Court Judge and shall ensure that subordinate personnel comply with the requisites of this procedure.
(Ref: CALEA 73.1.1 Item C)
3. A Court Officer is assigned to the Municipal Court. He/She reports to and is supervised by the Chief of Police. The Court Officer is a sworn law enforcement officer. The Court Officer shall have the following responsibilities:

- a. Call the court to order and announce the presiding judge.
 - b. Maintain the decorum of the court
 - c. Act as liaison between the court, the public and other participants in the judicial process.
 - d. When appropriate, the court officer shall escort members of juries impaneled to hear cases in the court. The bailiff shall also ensure that their deliberations are secure and that they are not molested or interfered with by any party either during the trial or during recess. The Municipal building has one jury deliberation room.
4. As part of the physical security plan of the Municipal Court, an officer is assigned as the Court Security Officer. The Court Security Officer shall have the following responsibilities:
- a. The Court Security Officer shall conduct a visual inspection of the courtroom for contraband prior to and after each session of court. All Court Security Officers may monitor a metal detector through which all entering persons pass and may search all bags, backpacks and other items for contraband that belong to people entering the courtroom.
 - b. All special requests by the presiding judge shall be brought to the immediate attention of the Chief of Police through the Court Security Officer.
 - c. Ensure the safe and immediate evacuation of all persons in the event of a fire or other disaster in the courtroom.
 - (1) In the event of a fire, he/she shall sound the alarm and notify the Fire Department.
 - (2) All persons in the courtroom shall be expeditiously evacuated out of the courtroom to a location outside and away from the building.
 - (3) Departmental personnel will respond to assist with minor fire suppression, if possible, or to contain the area and prevent unauthorized entry until Fire Department personnel arrive.
 - (4) The ranking officer shall coordinate departmental personnel responding initially to the fire scene and shall relinquish control on the arrival of a command officer or Fire Department personnel.

B. Security Operations

1. Special operations and emergency procedures shall, whenever possible, be coordinated in advance between the Municipal Judge or presiding judge and the Court Officer.
 - a. These procedures may include the use of metal detection equipment, additional use of restraints, and deployment of additional officers as necessary.
 - b. Plans for high-risk trials shall be prepared in advance with the advice and consent of the Chief Municipal Judge or the presiding judge.
 - c. Emergency procedures shall be consistent with North Police Department policy relative to hostage situations and emergencies such as fires, bomb threats, etc.
 - d. Evacuations shall be orderly and consistent with pre-established plans used by the North Police Department.
(Ref: CALEA 73.2.1 Item C)
2. The Emergency Medical Plan for the courtroom is comprised of medical resources available including a first aid kit and the Orangeburg County Emergency Medical Service that shall be contacted for response to the North Police Department and Municipal Court. It shall be the responsibility of the court officer to provide the necessary equipment and/or call the EMS dispatcher as the situation demands.
3. Physical security is of paramount importance and the Court Officer shall conduct a survey every three years to include:
(Ref: CALEA 73.2.1, Item C)
 - a. Key control,
 - b. Adequate lighting,
 - c. Duress alarm,
 - d. Communications equipment,
 - e. Evacuation plans,
 - f. Fire detection and suppression equipment,
 - g. Emergency power,
 - h. Threat assessment for high-risk trials,
 - i. Circulation patterns and movement of people,
 - j. Security of controlled entrances,

- k. Metal detection equipment,
- l. Medical supplies,
- m. Restraining devices,
- n. State of readiness and accessibility of all equipment, and
- o. Informing the Chief of Police of any noted deficiencies.

C. Security Procedures

1. Officers are permitted to carry weapons in the courtroom.
(Ref: CALEA 73.3.1)
2. Prisoner restraints shall be used in the courtroom unless the presiding judge requests the restraints be removed. Restraints will normally be limited to handcuffs, waist-belt, and/or leg irons. These items are issued to all officers. All prisoners, whether male or female, shall be in restraints in the courtroom unless directed otherwise by the Judge or upon approval by a police supervisor for any of the following exceptions:
 - a. Physically incapacitated persons when the risk of violence or escape appears to be minimal.
 - b. Elderly or ill persons when the risk of violence or escape appears minimal.
 - c. Juveniles when the risk of violence or escape appears to be minimal.

The severity of the charges, whether charges are crimes of violence, prior record of violent act(s) or escape attempt(s), threats made by the suspect, violent or uncooperative act(s), etc. represents information that must be considered prior to making any exception to the use of restraints.

Refer to North Police Department procedure concerning "Prisoner Transportation" on the use of prisoner restraints during prisoner transfer.
(Ref: CALEA 73.3.2)

3. Prisoners awaiting hearings will be seated in the courtroom separated from the general public. At least one officer must guard the prisoners at all times. Prisoners will enter and exit the building through the rear door and be escorted through the hallway to and from the courtroom. Officers must clear the hallway of all non-police personnel before bringing prisoners into the hall. While under guard, the prisoner will have access to the bathroom facilities. (Ref: CALEA 73.2.1, Item C)

D. Facilities and Equipment

1. The courtroom shall be equipped with a smoke detection alarm.
2. The Municipal building has perimeter lighting. Lighting will be checked on a continuing basis by members of the Department.
3. Interior lights shall be checked on a continuing basis by the Department, and missing or burned out lights will be replaced.
4. In case of a power failure, emergency lighting is available in the building.
5. The exterior doors to the Municipal building shall be locked at all times when court is not in session or otherwise in use.
6. All windows in the courtroom are unable to be opened.
7. The duress alarm consists of a push-button alarm behind the judges' bench that will activate an alarm bell in the hallway. The office where the fine money is receipted also has a duress alarm that activates an alarm on the judge's bench.
(Ref: CALEA 73.4.3)
8. There are no intrusion alarms in place.
9. Fire extinguishers are available in the courtroom.
10. A lighted parking lot is available for the public and court personnel.
(Ref: CALEA 73.2.1 Item A)
11. Communication shall be maintained through hand-held radios carried by all officers. There are telephones throughout the building and officers are issued cellular telephones.
(Ref: CALEA 73.4.2)
12. Monthly inspections shall be completed by the Sergeant to ensure equipment availability and state of readiness.
(Ref: CALEA 73.4.1 and 73.2.1 Item B)

Mark P. Fallaw
Chief of Police

Date

APPENDIX A, 9.2.1

Location and Availability of Courtroom Security Equipment

Fire Extinguisher	Located in the hall of the front lobby.
Medical Supplies	First Aid kit located in the Clerk's Office.
Restraining Devices	Handcuffs, waist restraint belt, and leg irons are issued to all officers.
Communications Equipment	All officers carry a portable radio on their person. Telephones are available in all offices, throughout the building and in the front lobby as well as all officers being issued cellular telephones.
Weapons	All officers carry a firearm and OC Spray.
Alarms	Duress alarm is located in the courtroom. There is a central fire alarm system.
Emergency Lighting	Located throughout the building.

NOTE:

In the event there is a projected need for equipment for a specific trial or court date, the Court Security Officer can be contacted prior to that date and the equipment will be obtained for use at the time desired.

APPENDIX B, 9.2.1

Diagram of the North Municipal Building and Evacuation Routes

The North Municipal Building serves as the courtroom for North Municipal Court. The following diagram is to be posted in plain view in the courtroom and in the front lobby to aid in evacuation in case of an emergency when court is in session. The Officers and the Court Security Officer will direct the people in the courtroom to leave the building in an orderly fashion by one of the exits.

APPENDIX C, 9.2.1

Inspection Form for Courtroom Security Equipment Readiness

- Actual testing of equipment, where appropriate, should be conducted.
- Certification of equipment readiness by a bona fide expert is acceptable in lieu of actual testing.
- Refer to Appendix A for location of all equipment.

YEAR: _____

Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec

Fire Extinguisher

First Aid Kits

Handcuffs

Waist Restraint

Leg Irons

Portable Radio

Telephones

Firearms

Oleoresin Capsicum

Duress Alarm

Smoke Detector

Emergency Lighting

(Ref: CALEA 73.4.1 and 73.2.1 Item C)

APPENDIX D, 9.2.1

Circulation Pattern - General Public

Persons who are to pay fines shall exit the courtroom after paying the Clerk for any levied fines. After the fine has been paid they shall exit through the door into the hallway. If the person needs to return to the courtroom after paying his/her fine, he/she should exit through the door and re-enter the courtroom through the front hallway entrance.

APPENDIX E, 9.2.1

Circulation Pattern - Prisoner Movement

All persons will be asked to move into the courtroom from the back entrance before a prisoner enters the courtroom. All doors will be closed except for the door into the building and the interior door into the courtroom.

North
Police Department

Directive Type

General Order

Effective Date

April 1, 2004

Number

9.3.1

Subject

Property/Assets Seized for Forfeiture Proceedings

Amends/Supersedes

April 1, 2003

Related Standards/Statutes/References/Policies

SC Code of Laws, Titles 44, 56

Distribution

All Personnel

Re-Evaluation

Annual

Pages

5

I. Purpose

To set forth guidelines for the proper inventory and report of all seized and/or impounded property. Further, to set forth guidelines for the proper seizure and inventory of vehicles and vessels believed to be used or intended for use to deliver, import or export controlled substances and for other violations in compliance with State and Federal statutes.

II. Policy

It is the policy of the North Police Department to handle all property and assets that may be subject to seizure and forfeiture pursuant to all applicable standards and statutes.

III. Procedure

- A. Any time that an officer anticipates that a vehicle, other conveyance, asset or other property may be subject to seizure pursuant to law, an investigator must be notified. The investigator will determine whether the property may be seized. If seizure is warranted, the investigator will assume responsibility for the proceedings. The Chief of Police will be notified as soon as is practical of the seizure.
- B. An inventory must be made for all property seized and/or impounded by Police Department personnel. Each inventory shall specifically include sealed containers regardless of whether they are locked or not.
- C. An inventory report for vehicles shall be made at the time of seizure or impoundment and that report is to be completed before the vehicle is released to another party.
- D. The seizure of vehicles, vessels or aircraft (conveyances) may be made pursuant to SC Code of Laws 44-53-520(a) when there is a reasonable belief that:

1. The equipment is being used or has been positioned for use in the delivering, importing or exporting of any controlled substance;
2. The property is being used, or has been positioned for use, as a container for a controlled substance or raw materials, products, and equipment used or positioned for use in the manufacturing, producing, compounding, processing, delivering, importing or exporting of any controlled substances;
3. The personal property is knowingly being used to facilitate production, manufacturing, distribution, sale, importation or trafficking in controlled substances;
4. The conveyance, including but not limited to, trailers, aircraft, motor vehicles, and water going vessels is being used and is intended for use unlawfully to conceal, contain or transport or facilitate the unlawful concealment, possession, containment, manufacture or transportation of controlled substances and their compounds. (No motor vehicle may be forfeited under this section unless it is used, intended for use or in any manner facilitates a violation of SC Code of Laws 44-53-370(a), involving at least one pound or more of marijuana, one pound or more of hashish, more than four grams of opium, more than two grains of heroin, more than four grains of morphine, more than ten grains of cocaine, more than 50 micrograms of LSD or its compounds, more than ten grains of crack, or more than one gram of "ice" or "crank," as defined in SC Code of Laws 44-53-110, or unless it is used, intended for use, or in any manner facilitates a violation of SC Code of Laws 44-53-370(e). In other words, no motor vehicle may be forfeited under this policy based upon simple possession of a controlled substance alone.)
5. The personal property was purchased with proceeds of an exchange controlled substances.
6. Vehicles are subject to mandatory forfeiture under SC Code of Laws 56-5-6240(A) for Driving Under Suspension, for a fourth or greater offense within the last 5 years and for Driving Under the Influence, for a fourth or greater offense within the last 10 years. The following statutory exceptions apply:
 - a. The use of the vehicle was not either expressly or implicitly authorized.
 - b. The owner of record did not know that the driver did not have valid license.

The Chief's designee shall notify all lien holders of record within ten days of the confiscation of any vehicle that is forfeited under this provision.

- E. Conveyances may be seized upon warrant issued by any court having jurisdiction over the property. Seizure without process may be made if:
1. The seizure is incident to an arrest or search warrant.
 2. The property subject to seizure has been the subject of prior judgment in favor of the government in a criminal injunction or forfeiture proceeding based upon Title 44.
 3. There is probable cause to believe that the property was used or intended to be used in violation of the drug trafficking or distribution laws.

- F. When property is seized, a report must be made to the appropriate Solicitor's Office and/or their designee within ten days or a reasonable period of time after the seizure. In seizures for DUI and DUS cases, the Clerk of Court (Common Pleas) must be contacted within 48 hours to file the Affidavit and Rule to Show Cause. The Initial Seizure Report may be used to supply this information to the appropriate prosecution agency.

In addition to the Initial Seizure Report, a Solicitor's Seizure Report and a copy of the Incident Report must be forwarded to the Solicitor's Office and/or their designee. The Seizure Report must provide the following information:

1. Description of the property;
 2. Circumstances of the seizure;
 3. Present custodian of the property, and the property's current location;
 4. Name of the owner;
 5. Name of the Lien holder, if any;
 6. Seizing agency;
 7. The type and quantity of controlled substance involved, where applicable;
 8. The make, model, serial number and year of the conveyance;
 9. The person in whose name the conveyance is registered and other parties who may have an ownership interest.
- G. At the time of the seizure or impoundment of any vehicle, vessel or aircraft, a prompt and thorough inventory record of the seized conveyance (including the trunk and glove compartment) and any containers located therein, shall be conducted. A list should be prepared showing the results of the inventory. If doors, glove compartments, trunks, or any other containers are locked or otherwise sealed, care should be taken to minimize damage to the property while gaining access to conduct the inventory.

- H. Where practical, the inventory should be conducted by two officers. The inventory should include the following:
1. Description of the conveyance (year, model, color, vehicle identification number, and license number);
 2. Listing of all contraband or evidence secured during the inventory of the conveyance. These items should be seized and preserved according to existing guidelines. Seize any and all bank cards, credit cards, bank deposit slips, bank records, titles to property, etc. found in the conveyance or on the person of the defendant. Copies may be used;
 3. Listing of all valuables secured from the conveyance for safe keeping;
 4. Listing of all accessories, tools, etc. left in the conveyance;
 5. Listing of all missing items such as keys, motor, radio, spare tire, etc.;
 6. Photographs of exterior sides of the conveyance as well as interior photographs;
- I. Non-evidentiary items of significant value found during the inventory should be removed for safekeeping and afforded adequate security.
- J. All articles not part of the conveyance and not having evidentiary value, or not subject to separate forfeiture or impoundment action, should be removed and returned to the owner without delay. Accessories, jacks, and standard maintenance tools are considered part of the conveyance. Installed radios, tape players, CD players, and telephones are part of the conveyance. Tapes and CDs found in the player are part of the conveyance; however, loose tapes and CDs are not.
- K. Vehicles and vessels should be moved by the seizing agents to a designated location for safekeeping.
- L. Aircraft should not be moved until the services of a qualified pilot are available and insurance has been obtained. Contact SLED duty agent for assistance in obtaining a pilot and insurance.
- M. During the execution of a search warrant:
1. Seize any and all bank cards, credit cards, bank deposit slips, bank records, titles to property, electric bills, phone bills, etc.
 2. Seize anything that may lead to determining who lives at the residence, who owns the residence, who owns vehicles at the residence, etc.
 3. Seize anything that may lead to financial information that may be used to compile a credit analysis.

- N. If the seizure of a residence may be possible:
1. Determine if the owner of the residence is among those arrested, if possible.
 2. If the owner is not among those arrested, try to determine if the owner had knowledge of drug activity taking place at the residence. If the owner's knowledge exists, include all relevant information in the report.
 3. If seizure appears possible, obtain a certified copy of the title, deed and any mortgage. If it is not possible to obtain those documents, notify the Solicitor's Office.
- O. Cash will only be seized when drugs or "buy" money is present unless the historical involvement of the defendant in illegal drugs and the amount of currency is large enough to justify a net worth analysis. In all seizures, the seizure reporting procedure will be followed and all seized currency will be placed in a separate interest bearing Narcotics Seizure Account unless and until it is forfeited.
- P. The investigator will monitor the progress of the seizure proceedings and will coordinate with the proper Solicitor's Office and/or their designee. The Chief of Police will be briefed on cases pending seizure at least once every 30 days.
- Q. When all forfeiture proceedings have been exhausted, either a court order will be obtained or the property will be returned to its owner, if known.
- R. Once a vehicle or other asset is forfeited under court order as a result of its involvement in narcotics activity, disbursement of the funds or proceeds of the sale of the asset shall be made according to SC Code of Laws 44-53-530(b)(3) and any other valid agreements.
- S. Vehicles forfeited for DUI, DUS fourth or greater will be disposed of as provided in SC Code of Laws 56-5-6240(c). If the vehicle is not forfeited, it must be returned to the owner through use of the Release of Confiscated Vehicle form.

The Chief of Police, or his designee, shall sign all court orders as the designated representative of the North Police Department.

Mark P. Fallaw
Chief of Police

Date

North
Police Department

Directive Type
General Order

Effective Date
April 1, 2004

Number
9.4.1

Subject
Property Room Management

Amends/Supersedes
April 1, 2003

Related Standards/Statutes/References/Policies
CALEA Chapter 55, 84 and SC Code of Laws, Titles 16, 17, 23, 44

Distribution
All Personnel

Re-Evaluation
Annual

Pages
24

I. Purpose

To provide for the management and control of found, recovered, and evidential property that comes into the custody of the Department

To establish an evidence management system that will ensure a traceable chain of evidence and strict accountability with respect to the handling, security and disposition of evidence.

II. Policy

It is the responsibility of the Department's Criminal Investigation Unit to manage and control all evidential property directed to them for safekeeping. As a part of this responsibility, accurate records will be maintained. Property will be stored, released, and disposed of in accordance with policies and procedures outlined in this order and the applicable South Carolina Code of Law.

III. Procedure

A. Property Management Responsibility

1. All property taken into custody by a member of this Department is the responsibility of that officer until the property has been properly submitted to the designated property custodian. All property taken into custody by North police officers must be promptly recorded on the Property Report form specifically describing the property labeled and an Incident Report shall also be written detailing the circumstances associated with the property being taken into departmental custody. All reports must be completed by the end of the officer's tour of duty. All property, except when immediately released to the owner, must be turned in to the Property Room by the end of the officer's tour of duty.

Employees are strictly prohibited from storing property in their vehicles, offices, desks, file cabinets, homes or any location other than the designated Department Property Room, temporary-holding room and outside storage area. Personal use of any such property is strictly prohibited.

2. Responsibility for the Department's property management system is assigned to a member of the Criminal Investigations Division. The Sergeant of Investigations shall function as the property custodian for the Department and is responsible for the control and management of all property accepted or stored in the Property Room. The Sergeant of Investigations will secure items of property requiring added protection in the secure cabinets; is responsible for the final disposition of found, recovered and evidential property; is responsible for maintaining an accurate record keeping system for all property accepted or stored in the Property Room; and is responsible for the prompt, authorized disposal of property (destruction or return to the owner) within six months after legal requirements have been met or 90 days after holding found property or property held for safekeeping. With approval of the appropriate prosecutor and/or the Chief of Police, a victim's property may be photographed for use in court and the property returned to the victim; i.e., perishable items, essential items for the health or welfare of the victim, etc.
3. The property management system's facilities include the Property Room, temporary property holding lockers, and equipment related to the property management function.

B. Property Custodian

The property custodian is responsible for the management and control of found, recovered and evidential property and is accountable for the control of all property accepted by or stored in the Property Room, property holding areas and locked property storage cabinets.

C. Property Room Security

All property stored at the Department will be within a designated secure area.

1. Only the property custodian will have keys to the property storage areas.
2. Only the Sergeant of Investigations will have access to the drug storage cabinet.
3. The Property Room door will be kept closed and locked anytime the Sergeant of Investigations is not physically in the Property Room.

4. The drug storage cabinet will only be unlocked or open when the Sergeant of Investigations is actually placing items in or taking items out of the cabinet or when the cabinet is being inventoried.
5. Only authorized persons may actually enter the property storage areas. Authorized persons are:
 - a. Chief of Police.
 - b. Sergeant of Investigations.
 - c. Captain.
 - d. Sworn police officers under appropriate circumstances when accompanied by the property custodian, the Captain or Chief of Police.

(Ref: CALEA 84.1.4)

D. Quarterly Inspection

At least once each quarter the Captain will make a routine inspection of the Property Room. This inspection will determine that proper record keeping, accountability of evidence, proper storage and cleanliness, and proper disposal methods are being followed. Any problems found during these inspections will be documented and corrected as appropriate.

(Ref: CALEA 84.1.6, Item A)

E. Property Inventory - Newly Assigned Personnel

Whenever a new property custodian is designated, an inventory of property will be conducted. This inventory will be performed jointly by the newly designated and former property custodian. A sufficient number of items and records, a minimum of 30, shall be accounted for on an individual basis so as to satisfy the incoming custodian of the integrity of the system. Any or all property and records may be checked for accountability.

1. The inventory shall be thorough enough to ensure the integrity of the system and the accountability of the property.
2. The new property custodian should ensure that all records are current and properly annotated, and all discrepancies recorded prior to the assumption of property accountability by the newly appointed custodian.

(Ref: CALEA 84.1.6, Item B)

F. Annual Audits

1. Each June the Captain shall be responsible for an annual audit to ensure that the security, accuracy and integrity of all narcotics, weapons, and money are maintained.

2. All dangerous drugs, money and weapons received have been properly logged; an examination of the property report files to ensure that drugs, weapons or money have not been lost or checked out for an unreasonable length of time; an examination of the disposition files and property log to ensure that all weapons, drugs and money have been disposed of properly.
3. The Captain is authorized to open dangerous drug packages in the presence of the property custodian to verify weight/count of drugs, and if necessary, to conduct qualitative analysis by a qualified chemist. These packages are then re-sealed in the presence of the property custodian. A notation will be made on the property tag/label and in the property log of the inspection, including the date opened and person inspecting.
4. The Captain is authorized to open, in the presence of the property custodian, packages containing money to verify contents and amount of cash. The package is to be re-sealed in the presence of the property custodian. A notation will be made on the property report of the inspection, including date opened and person making the inspection.
5. A complete report of the findings of the auditor will be forwarded to the Chief upon conclusion of the audit.

(Ref: CALEA 84.1.6, Item C)

G. Unannounced Inspections

At least twice a year, the Captain will conduct an unannounced inspection of the Property Room and property storage areas, in addition to and in support of any other inspections. This inspection does not necessarily have to be comprehensive, and the Captain may inspect any areas of property operations, and will include a random comparison of records with physical property present in the Property Room.

(Ref: CALEA 84.1.6, Item D)

H. Access To Property Storage Areas

1. Temporary Storage Area

The temporary property storage area consists of the lockers and refrigerator in the property holding area. The property holding areas are restricted to police personnel only. Authorized persons are Department personnel engaged in official police duties. Under no circumstances will unaccompanied non-police personnel be allowed access to the property storage area. Property placed in the property storage area must conform to the standards and procedures as outlined in this procedure for the receipt of property/evidence and as directed by this procedure.

2. Property Room

The Property Room is used for the indefinite storage of most found, recovered, safekeeping and evidential property. It consists of shelves and individual bins. Access to the Property Room is more limited than to the temporary storage area, allowing only those persons described in Section C of this procedure.

3. Lockable Storage Cabinets

Lockable storage cabinets are located in the office of Sergeant of Investigations. A locked refrigerator is located in the Special Operations storage area.

I. Increased Security

Additional security measures are taken when money, items having a very high monetary value (i.e., jewelry), dangerous drugs, narcotics or weapons are to be stored.

1. Money

- a. All money submitted to the Property Room will be sealed in a container, properly marked and tagged separately. The tag/label must identify the amount of money and bear the signature of the submitting employee and the supervisor verifying the count.
- b. Money not properly packaged or marked will not be accepted into the custody of the Property Room.
- c. Money submitted into the Property Room after the custodian is off-duty will be placed into a locker in the property holding room and locked. On the following working day, the property custodian will open the locker and check the property into the Property Room.
- d. The property custodian will not open the sealed package to verify the contents or amount, but only note that it has been properly packaged and marked.
- e. The property custodian will not open any sealed package that contains money submitted to the Property Room.
- f. Money submitted to the Property Room, once logged in, will be stored inside the "valuables" cabinet.

2. Precious Metals or Gemstones

Precious metals or gemstones, once logged in, will be stored inside the "valuables" cabinet.

3. Dangerous Drugs

- a. All dangerous drugs, including but not limited to narcotics, hallucinogens, and other controlled substances, submitted to the Property Room either as found, confiscated or evidence will be sealed in a plastic bag or container. Each bag or container will have a label. Hypodermic needles must be sealed in the plastic tubes provided and must be labeled.
- b. All dangerous drugs submitted to be held as found, evidence, or as contraband during hours when the property custodian is not on duty will be placed in a property locker in the property holding room and locked by the submitting officer.

On the following working day, the property custodian will open the locker and check the property into the Property Room.

- c. The property custodian will not open the sealed bag to verify the weight or count, only visually check that it has been properly sealed, marked and does not have any apparent signs of tampering.
- d. The property custodian will not open any sealed containers of dangerous drugs submitted to the Property Room.
- e. Once properly logged into the Property Room, dangerous drugs will be stored inside the drug cabinet.
- f. The property custodian must avoid any direct contact with any dangerous drugs or syringes.

4. Weapons

- a. All weapons received by the Property Room will be made safe by unloading and will have a separate property tag. No loaded firearm will be submitted or accepted.
- b. Weapons submitted to the Property Room after the property custodian is off-duty will be placed in a locker in the property holding room and locked. On the following working day, the property custodian will open the locker and check the property into the Property Room.

- c. All weapons should be checked by the submitting officer to ascertain if it is stolen. The NCIC printout should be attached to the property tag. All recovered firearms not listed as stolen in NCIC should be entered as "recovered" in NCIC.
- d. Once logged into the Property Room, weapons will be stored in a "weapons" locker with key control restricted to the property custodian.

(Ref: CALEA 84.1.1, Item E)

J. Handling Narcotics and Dangerous Drugs

- 1. The submission and storage of narcotics and dangerous drugs in the property management system will follow procedures outlined in Section J of this procedure.
- 2. In addition, the following container inspection, quantity and quality control measures are in place.

- a. A scale has been installed in the property holding room. Officers will be trained in its operation and are expected to weigh all of the evidence submitted for storage or processing.

Weights will be taken after the evidence is packaged, and will include the package in the weight.

- b. Narcotics evidence shall be sealed in clear plastic bags and heat-sealed by the submitting officer.
- c. All weights should be done as accurately as possible, but shall only be used as a quality control and not as an exact weight or for evidential purposes.
- d. Pills and capsules will be counted in addition to being weighed. Both the weight and count will be noted on the property tag/label and report.
- e. Exceptions to weighing narcotic and dangerous drugs are permissible when auditing evidence that is officially sealed in tamper-proof protective packages; i.e., heat-sealed clear plastic packages. In these cases, the evidence will be weighed in their packages and the weights compared to the original, taking into account losses in quantity due to testing at the lab or other forensic procedures.
- f. All containers of narcotics and dangerous drugs should be inspected for tampering as a safeguard against the substitution of materials having the same weight.

K. Perishable Evidence and Blood, Body Fluids, etc.

1. Refrigerators are located in Special Operations storage area to keep perishable items such as urine specimens and blood samples preserved.
2. When property is stored in the refrigerator, the lock will be locked until the property can be transferred by the property custodian.
3. All items containing blood or body fluids, vials of blood, urine specimens, or other body fluid samples must be sealed in a leak resistant container such as a plastic evidence bag, sexual assault evidence collection kit, etc. and be properly labeled. Bio Hazard warning labels are provided.
4. Universal precautions must be followed when handling such property. Direct contact must be avoided. Refer to the Department Bloodborne Pathogens Procedure for information on universal precautions

L. Evidence Storage After Business Hours

At times when the Property Room is closed, officers bringing in found, recovered, or evidential property will observe the following:

1. Property - Miscellaneous
 - a. Property submitted to the Property Room must be tagged by the submitting personnel.
 - b. The property tag/label and report must be properly filled out and clearly marked evidence, found, safekeeping, or recovered.
 - c. Submitted property will be located in the property holding room, the temporary property storage lockers, or the property refrigerator located in Special Operations storage.
 - d. Weapons, narcotics/dangerous drugs, money or items of very high value will be locked in the holding room locker.
 - e. No explosives, dangerous chemicals, unknown biological specimens, radioactive materials, or other dangerous materials or property are to be accepted into the property holding area. The property custodian or the shift supervisor should be notified if such property is to be submitted.
2. Evidence - Miscellaneous
 - a. Evidence to be submitted to the Property Room must be tagged or labeled clearly as "evidence." If evidence is not marked, the Lieutenant of Patrol will be notified and arrangements will be made to have the evidence properly marked.

- b. It is the responsibility of the submitting officer to properly tag, mark, package or photograph evidence submitted to the Property Room.
- c. Evidence should be placed inside the property holding room. If too large for the holding room, the property custodian will be notified to open the Property Room. If in need of refrigeration, evidence should be placed in the property refrigerator in Special Operations storage.
- d. The property custodian will accept all evidence, if tagged and accompanied by the proper reports. If the evidence is improperly packaged, marked, or handled by the submitting officer, the property custodian will notify the Lieutenant of Patrol to evaluate the situation. In every case, every effort will be made to maintain the integrity of the evidence and the chain of evidence.
- e. Weapons, narcotics/dangerous drugs, money, items having a very high value, or evidence of an especially sensitive nature will be placed in a locker inside the property holding room by the submitting officer.

On the following working day, the property custodian will open the locker and check the property into the Property Room.

- 3. The property holding area is accessible only to police personnel in the course of their assigned duties.
- 4. If in the opinion of the submitting officer or a supervisor, property is of great value and/or potentially vulnerable to claims of tampering (such as a large quantity of narcotics evidence), the property custodian may be notified to secure the evidence in the property cabinets.

M. Records Regarding Status of Property Held by the Department

The property custodian shall be responsible for maintaining a records system that reflects the status of all property, whether currently held or held in the past.

N. Final Disposition of Property

Final disposition of found, recovered and evidential property must be accomplished within six months after legal requirements have been satisfied.

(Ref: CALEA 84.1.7 and 55.2.4, Item D)

1. To Rightful Owner

- a. Property may be released to the rightful owner once all evidential use of the property is satisfied and/or the officer who submitted the property has approved the property for release.
- b. Weapons taken as evidence, found or for safekeeping will be released and disposed of according to the provisions of this order as outlined in Section G of this section.
- c. Once an item has been cleared for release by the submitting officer, the submitting officer will attempt to contact the owner and advise him/her of procedures to claim his/her property. If the submitting officer cannot contact the owner or the owner does not respond in a reasonable time, the property custodian will make a reasonable effort to contact the owner and inform the owner when and where the property may be claimed. All contacts will be documented in the property report or by letter.
 - (1) The property custodian will send a letter, return receipt requested, to the last known address of the owner, informing the owner when and where the property may be claimed.
 - (2) If the owner cannot be located or fails to claim the property after a period of 90 days, the property will be considered unclaimed.
- d. The disposition of the property is to be marked in the property log and Property Report. (Ref: CALEA 84.1.1, Item F)

2. Release to Finder

- a. Property except weapons (other than pistols) or contraband may be released to the finder of the item if the rightful owner is unknown or cannot be located. (Police officers cannot be considered finders).
 - (1) If the owner is unknown, the property may be released to the finder after a period of 90 days and the owner has not claimed the item.
 - (2) In the case of a pistol the Department will advertise a full description of the pistol in "The State" newspaper at least twice during the 90 day period. (SC Code of Laws 16-23-55)

- (3) If the owner is known, the custodian will telephone the owner. If unable to make phone contact, the property custodian will send a letter, return receipt requested, to the last known address of the owner, informing the owner where the property may be claimed.
- (4) If after the letter is sent the owner cannot be located or fails to claim the property and a period of 90 days has passed, the property will be considered unclaimed.
- (5) Such unclaimed property can then be released to the finder (police officers cannot be considered finders).
- (6) In all cases it is the responsibility of the finder to make a written request for return within the 90-day period.

- b. The finder will sign an affidavit stating he/she is the finder of the property in question. If a pistol is involved, the finder must fully complete the Firearms Application process as required in SC Code of Laws 16-23-55 and 23-31-140.
- c. Due to potential conflict of interest or perceptions of conflict of interest, employees of North Police Department may not claim property found by them and submitted to the Property Room, regardless of the circumstances.
- d. The disposition of the property is to be entered in the property log and on the Property Report.

3. Contraband/Forfeited Property

- a. Property that is forfeited to the Police Department pursuant to SC Code of Laws 44-53-520, 16-23-50, 16-23-405, 16-23-460 or any other municipal ordinance, State or Federal statute will not be released to its owner or finder.
- b. The Sergeant of Investigations will have court orders prepared describing such forfeited property and designating the Department as owner and submit it to the Solicitor's Office for presentation to the Circuit Court judge.
- c. Contraband will be handled the same as forfeited property and disposed of in accordance with SC Code of Laws 16-23-405 and 16-23-460.

4. Evidence

Evidence will not be released until cleared for release by the investigating officer and/or the Chief of Police. The investigating officer shall notify the property custodian when the case has been disposed. The custodian will hold the evidence for 60 days following final disposition of the case in court before disposing of the evidence as provided in this procedure.

5. Dispositions

In every case where property is released, the final disposition of that property will be entered into the Property Report and in the property log.

6. Identity

- a. In every case the property custodian will make a reasonable effort to verify rightful ownership to property and the identity of the person to whom the property is being released.
- b. In every case the person to whom the property is released will sign the property receipt section of the Property Report indicating he/she has received this property from the Police Department.

7. Weapons and Firearms

- a. Weapons held as evidence may only be released after the court case is disposed and with permission of the investigating officer, prosecutor and/or the Chief of Police.
- b. Firearms must be checked through NCIC to verify the firearm is not stolen prior to release to rightful owner.
- c. If the weapon is a firearm, the owner must be checked through SLED and NCIC for a felony record or for other ineligibility as outlined in S.C Code of Law 16-23-30.
 - (1) If the owner has a felony record or other disqualifier as outlined in SC Code of Laws 16-23-30, the firearm cannot be released to him/her.
 - (2) The owner will be notified in writing by the Chief of Police that the firearm cannot be released to him/her in accordance with statutory requirements.
- d. In every case, the property custodian will make a reasonable effort to verify proper ownership of the weapon and the identity of the person to whom it is being released.

- e. In every case, the person receiving the weapon will sign the property receipt section indicating the weapon was released to them.
 - f. If the owner is not known, the weapon will be declared unclaimed after a period of 90 days and disposed in accordance with Section V of this procedure.
 - g. Weapons held for safekeeping will be retained for a period not to exceed 60 days.
 - (1) At the conclusion of that time, the property custodian will notify the rightful owner by phone that the weapon may be claimed. Documentation of the phone call will be made on the Property Report.
 - (2) If unable to locate the owner by phone, the property custodian will send a letter, return receipt requested, to the last known address of the owner, outlining when and where the weapon may be claimed.
 - (3) If the weapon has not been claimed after 90 days, it will be declared unclaimed property and disposed of in accordance with Section V of this procedure.
 - h. Final disposition of the weapon will be noted in the Property Report and in the property log.
 - i. The Chief of Police must approve the release of all weapons.
8. Weapons Used in Suicides/Attempt Suicides
- a. Any weapon that has been used in the commission of a suicide will be confiscated and kept by the Police Department. Pursuant to SC Code of Laws 17-7-270 and 16-23-405, those weapons will be handled as evidence and will be disposed as provided in this procedure. The disposition will typically include destruction but may be converted to law enforcement use. They will not be released to any member of the deceased's family, except by court order.
 - b. Any weapon that has been used in an attempted suicide will be handled the same as a weapon used in a suicide; however, a period of 90 days must lapse before the weapon is either destroyed or converted to law enforcement use. The weapon will only be released by court order.

9. Money

- a. Money held as evidence will be released to the rightful owner once it is no longer of evidential value and upon approval of the investigating officer and/or the Chief of Police.
- b. Money that is found may be released to the finder under the following conditions:
 - (1) The property custodian will obtain the approval of the submitting officer and/or the Chief.
 - (2) The property custodian will have made a reasonable effort to locate the actual owner.
 - (3) The owner will not have been located or will have failed to claim the property.
- c. Upon releasing money, the property custodian will open the sealed package in the presence of the owner or finder and count the contents together with the owner/finder. If there is any discrepancy, a supervisor must be notified immediately.
- d. In every case, the property custodian will make a reasonable effort to verify the ownership or right to possess the property, and the identity of the person to whom the property is being released.
- e. The person receiving the money will sign the property receipt section of the Property Report.
- f. The Police Chief must approve the release of all money. Money that is found and unclaimed, or forfeited under the provisions of SC Code of Laws 44-53-520, or any other State, local or Federal law, will be disposed of in accordance with the procedures of Section II of this procedure.
- g. The final disposition of money will be noted in the Property Report and the log.
- h. All seized monies held pending seizure proceedings will be deposited by the Department in a separate interest bearing account until final disposition is made of the funds. Established Town financial policies will be adhered to at all times.

O. Disposition of Unclaimed Property or Evidence

1. Unclaimed property or forfeited property may only be disposed of in accordance with the provisions of SC Code of Laws outlining the disposition of property held by a law enforcement agency and Town policy.
 - a. The property custodian will determine what items are unclaimed and provide the Chief of Police with a list of items to be disposed.
 - b. Items may be disposed of in one of the following ways:
 - (1) Destroyed.
 - (2) Converted to Department use.
 - (3) Sold as per Department policy.
2. Property to be Destroyed
 - a. Dangerous Drugs
 - (1) The property custodian will notify the Police Chief of drugs to be disposed.
 - (2) An inventory of drugs ordered for destruction will be taken by the property custodian.
 - (3) The property custodian will verify the final disposition of all cases prior to destruction.
 - (4) The property custodian and another officer will take the drugs to an incinerator or other means approved by the Chief of Police and personally destroy them.
 - (5) The property custodian will complete the Property Report and notify the Chief.
 - b. Firearms
 - (1) The property custodian will notify the Police Chief of weapons to be destroyed.
 - (2) An inventory of weapons will be made by the property custodian.
 - (3) Weapons suitable for police use may be turned over to the Department for official use or may be traded to a dealer for other police equipment.

- (4) All weapons will be checked via NCIC to verify that they are not stolen. The custodian will verify the disposition of all cases prior to disposal of the firearms.
- (5) A request to the Circuit Solicitor from the Chief of Police or his designee for a court order will be made if a court order is necessary.
- (6) The property custodian will turn weapons into SLED for destruction.
- (7) The property custodian will complete the court order return, if any, and notify the Chief of Police.

c. Obscene Materials

- (1) The property custodian will notify the Police Chief of material to be destroyed.
- (2) A request to the Circuit Solicitor from the Chief of Police or his designee will be made for a court order if such order is necessary.
- (3) The property custodian and another officer will take the material to an incinerator and personally destroy it pursuant to the court order, if any.
- (4) The property custodian will complete the return on the court order, if any, and notify the Chief of Police.

d. Beer/Alcoholic Beverages

- (1) The property custodian will notify the Police Chief of materials to be destroyed.
- (2) A request to the Circuit Solicitor will be made for a court order, if necessary.
- (3) The property custodian and another officer will pour beverages down a suitable drainage system.
- (4) The property custodian will notify the Chief of Police.

e. Miscellaneous Property of No Value

- (1) The property custodian may dispose of miscellaneous found property or property held for evidence but no longer needed that is of little or no monetary value. This would include small parts of cars, paint chips, ball bats, clubs, etc.
- (2) The property custodian will notify the Chief of Police about all property destroyed and note the final disposition in the property log and on the Property Report.

3. Property to be Turned Over for Department Use

- a. Any property to be turned over to Department use will require a court order or in minor cases the approval of the Chief of Police.
- b. The property custodian will prepare a list for the Circuit Solicitor to obtain a court order as deemed necessary.
- c. The property custodian will complete a return on the court order, if any and notify the Chief of Police detailing the items.

4. Sale

The Department may dispose of property through the process as outlined in Departmental policy.

5. Final Disposition

In every case, when property is disposed, the final disposition will be noted in the property logbook and the Property Report.

6. Major Case Disposition

- a. Annually, the property custodian will contact the Chief of Police to discuss major cases.
- b. With the approval of the Chief, the property custodian may dispose of any property held as evidence in a case, as outlined in this order.

P. Property Management Records

The property custodian shall maintain a records system that reflects the location of the property stored in the Property Room; date and time when the property was received or released; character, type and amount of property on hand; chain of custody of the property through its final disposition; and dates and results of all inspections and inventories of property and audits of records.

1. The Property Room Log

- a. All found, recovered, safekeeping, and evidential property submitted to the Property Room will be logged into the master Property Room log.
- b. The log will contain the following information on each item logged in:
 - (1) Date property was logged and receiving officer.
 - (2) Case number.
 - (3) Property log number.
 - (4) Submitting officer.
 - (5) Location within the Property Room where that property is stored.
 - (6) Description of property.
 - (7) Final disposition, date and officer.

2. Tags, Labels, Property Reports and Incident Reports

- a. A property tag/label is used as an individual record of each item of property (or set of items) submitted to the Property Room. All items or packages of items submitted to the Property Room will have a property tag/label attached.
- b. Property tags/labels contain the following information:
 - (1) Date and time property is seized.
 - (2) Location where property was recovered.
 - (3) Owner/complainant/finder or suspect's name, address and telephone number.
 - (4) Reason for recovery (evidence, found, safekeeping or recovered).

- (5) Description of property.
- (6) Recovering officer.
- (7) Case number (if available).
- (8) Log number reference in the property book (if available).

- c. The Property Report is another document used on all property coming into custody of the Department. It includes all of the information reflected on the property tag or label as well as the chain of custody and final disposition sections. A copy of the Property Report is also filed in the Records Unit. It only documents the original receipt of the property.
- d. The property custodian will be responsible for reviewing all log entries, property tags/labels and Property Reports. The custodian will add case numbers as needed.
- e. An Incident Report is also required any time that property is taken into the custody of the Police Department.
- f. The submitting officer is responsible for completing any laboratory analysis request forms.

3. Property Release Section of the Property Report

- a. The Property Report is completed by officers or the property custodian to report property released from custody.
- b. Property release section contains this information:
 - (1) Property log numbers.
 - (2) Property description.
 - (3) Name of person releasing the property.
 - (4) Owner's name and address (if known).
 - (5) Date and time released.
- c. Completed property release reports are kept in the Property Room file.

(Ref: CALEA 84.1.5)

4. Receipt for Articles from Property Room

- a. The receipt for articles from the Property Room is used whenever an item of property is temporarily removed from the Property Room for court, laboratory processing or other reasons. This is part of the Property Report form.
- b. The receipt for articles from the Property Room contains the following information:
 - (1) Date and time property is removed or returned.
 - (2) Signature of person accepting the property except when submitting evidence to the SLED or FBI lab for analysis.
 - (3) Destination of property.
- c. The Property Report shall be filed by the property custodian.
(Ref: CALEA 84.1.1, Item G)

5. Property Not Submitted to the Property Room

- a. Property that is taken into custody by an officer and immediately released to the owner will be listed in a Property Report and Incident Report.
- b. The report should indicate that the property was not submitted to the Property Room.
- c. The final disposition of the property is to be entered on the Property Report. This report will be filed in the Records Section.

6. Inspections or Audits

- a. The form used for inspections or audits of property is kept in a file in the Property Room.
- b. Completed inspection and audit reports are filed in the Property Room.

Q. Vehicles

- 1. Upon recovery of a stolen vehicle or a vehicle as a crime scene, the first officer on the scene will:

- a. Take the necessary steps to protect the scene from unauthorized entry simply by guarding the scene, requesting additional officers to assist, erecting crime scene tape or other barricades. The chain of custody must be maintained until processing is completed.
 - b. Notify the on-call investigator to respond to the scene to process the vehicle.
 - c. Complete the Vehicle Inventory Report after the vehicle has been processed.
2. The investigator who responds to the scene will:
 - a. Process the vehicle except as noted in 2 below.
 - b. Notify the SLED Forensics Team to respond to the scene if the vehicle is the scene of a murder, criminal sexual assault, kidnapping or as otherwise directed by a supervisor or command officer.
 - c. Upon completion of processing, if the vehicle is of no further evidentiary value, release the vehicle to the owner or instruct the officer on the scene to tow the vehicle using the wrecker rotation list.
3. If the vehicle cannot be properly processed at the scene and needs to be moved to another location, the on-scene investigator will:
 - a. Notify the Sergeant of Investigations or the Chief of Police and advise them of the situation and the reason the vehicle must be moved.
 - b. The Sergeant of Investigations or the Chief of Police must approve the moving of the vehicle.
 - c. If the request is not approved, the processing of the vehicle will be accomplished as completely as possible.
 - d. If the request is approved, the Sergeant of Investigations or the Chief of Police, in consultation with the investigator on the scene and the SLED Forensics Team supervisor, will decide on an appropriate, secure location to place the vehicle. The on-scene officer will then request the next wrecker from the rotation list.
 - e. The on-scene officer will not allow the wrecker service to damage potential evidence while transporting the vehicle.

- f. The on-scene officer or the first officer on the scene will follow directly behind the vehicle while it is being moved and will maintain eye contact with it at all times.
 - g. The officer will monitor the vehicle while it is being unloaded at the selected site.
 - h. Once the processing of the vehicle is completed and it is of no further evidentiary value, it will be released to the owner. If the owner is not available, the vehicle will be towed to the impound lot of the wrecker service.
- 4. If the vehicle needs to be held as evidence, the officer will:
 - a. Notify the Sergeant of Investigations or the Chief of Police and advise them of the situation and the reasons for holding the vehicle as evidence.
 - b. The Sergeant of Investigations and the Chief of Police are the only people authorized to approve the retention of a vehicle as evidence.
 - c. If approval is granted to hold the vehicle, arrangements will be made by the Sergeant of Investigations or the Chief of Police to lease a secure commercial storage building for the impoundment of the vehicle.
 - d. The officer must complete the Evidence Property Custody Report and attach a property tag to the steering wheel of the vehicle.
 - e. The officer must notify the Property Custodian to respond to the scene.
 - f. The Property Custodian will inspect the vehicle and review the Property Report. The Property Custodian will then have the wrecker service transport the vehicle to the selected storage location. The Property Custodian will follow the wrecker to the site and will keep the vehicle in sight at all times. The property custodian will supervise the unloading of the vehicle into the storage location and will personally lock it inside the building.
 - g. The vehicle shall be inspected as any other property in the custody of the Department. It shall be returned to the owner as soon as it is no longer of evidentiary value.

Vehicles will be held as evidence only in extreme cases. In all such cases the Chief of Police must be notified by the Sergeant of Investigations and the Property Custodian that a vehicle is being held as evidence.

Mark P. Fallaw
Chief of Police

Date

MASTER PROPERTY ROOM LOG

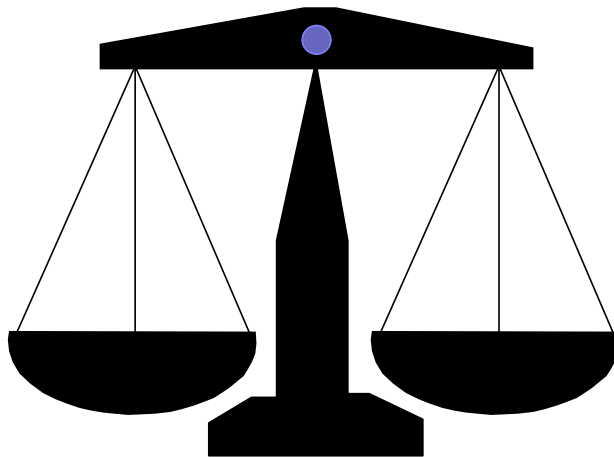
DATE PROPERTY LOGGED		
LOG NUMBER	CASE NUMBER	
PROPERTY LOG NUMBER	SUBMITTING OFFICER	
LOCATION WITHIN THE PROPERTY ROOM WHERE THIS PROPERTY ITEM IS STORED		
DESCRIPTION OF PROPERTY:		
FINAL DISPOSITION	DATE	OFFICER

DATE PROPERTY LOGGED		
LOG NUMBER	CASE NUMBER	
PROPERTY LOG NUMBER	SUBMITTING OFFICER	
LOCATION WITHIN THE PROPERTY ROOM WHERE THIS PROPERTY ITEM IS STORED		
DESCRIPTION OF PROPERTY:		
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North Police Department

North, South Carolina



"An Effective and Efficient Agency"

Policy and Procedure Manual

Chapter 10- Reserved

Mark P. Fallaw
Chief of Police

Chapter 10 – Reserved

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Directive Type

General Order

Effective Date

April 1, 2004

Number

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Subject

Amends/Supersedes

None

Related Standards/Statutes/References/Policies

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10.2.1

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Amends/Supersedes

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Police Department

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